

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Senate Bill 524 be amended to read as follows:

- 1       Page 1, between the enacting clause and line 1, begin a new
- 2       paragraph and insert:
- 3       "SECTION 1. IC 1-1-3.5-5, AS AMENDED BY P.L.2-2007,
- 4       SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5       JULY 1, 2009]: Sec. 5. (a) The governor shall forward a copy of the
- 6       executive order issued under section 3 of this chapter to:
- 7       (1) the director of the Indiana state library (**established within**
- 8       **the department of Indiana heritage and cultural resources**);
- 9       (2) the election division; and
- 10      (3) the Indiana Register.
- 11      (b) The director of the Indiana state library, or an employee of the
- 12      Indiana state library designated by the director to supervise a state data
- 13      center established under IC 4-23-7.1, shall notify each state agency
- 14      using population counts as a basis for the distribution of funds or
- 15      services of the effective date of the tabulation of population or
- 16      corrected population count.
- 17      (c) The agencies that the director of the Indiana state library must
- 18      notify under subsection (b) include the following:
- 19      (1) The auditor of state, for distribution of money from the
- 20      following:
- 21          (A) The cigarette tax fund in accordance with IC 6-7-1-30.1.
- 22          (B) Excise tax revenue allocated under IC 7.1-4-7-8.
- 23          (C) The local road and street account in accordance with
- 24          IC 8-14-2-4.
- 25      (2) The board of trustees of Ivy Tech Community College for the
- 26      board's division of Indiana into service regions under
- 27      IC 21-22-6-1.
- 28      (3) The lieutenant governor, for the distribution of money from
- 29      the rural development fund under IC 4-4-9.
- 30      (4) The division of disability and rehabilitative services, for

1 establishing priorities for community residential facilities under  
2 IC 12-11-1.1 and IC 12-28-4-12.

3 (5) The department of state revenue, for distribution of money  
4 from the motor vehicle highway account fund under IC 8-14-1-3.

5 (6) The Indiana economic development corporation, for the  
6 evaluation of enterprise zone applications under IC 5-28-15.

7 (7) The alcohol and tobacco commission, for the issuance of  
8 permits under IC 7.1.

9 (8) The Indiana ~~state library, and historical board~~, for distribution  
10 of money to eligible public library districts under IC 4-23-7.1-29.

11 (9) The state board of accounts, for calculating the state share of  
12 salaries paid under IC 33-38-5, IC 33-39-6, and IC 33-41-2.

13 SECTION 2. IC 2-6-1.5-3 IS AMENDED TO READ AS  
14 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) The supervision  
15 of the preparation and indexing of the journals of the house and senate  
16 of each session of the general assembly shall be the duty of the clerk of  
17 the house and the secretary of the senate, respectively.

18 (b) Copies of the journals of each house shall be distributed to all  
19 state elected officials. Sufficient additional copies shall be furnished to  
20 the Indiana state library (**established under IC 4-34.1-2-2(6)**) to  
21 provide for the state-wide availability of the journals and to fill requests  
22 from official agencies in other states.

23 SECTION 3. IC 3-9-2-13 IS AMENDED TO READ AS FOLLOWS  
24 [EFFECTIVE JULY 1, 2009]: Sec. 13. An individual may not solicit  
25 or receive a contribution in violation of the following statutes:

26 ~~(1) IC 4-23-7-3.5 (Indiana Library and Historical Department).~~

27 ~~(2) (1) IC 4-23-7-3.5 and IC 4-23-7.1-38 (Indiana state library).~~

28 ~~(3) (2) IC 4-23-7-3.5 and IC 4-23-7.2-17 (Indiana historical~~  
29 ~~bureau).~~

30 ~~(4) (3) IC 8-23-2-3 (Indiana department of transportation).~~

31 ~~(5) (4) IC 14-9-7-1 and IC 14-10-3-10 (Department of natural~~  
32 ~~resources).~~

33 SECTION 4. IC 4-1-2-1, AS AMENDED BY P.L.13-2008,  
34 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
35 JULY 1, 2009]: Sec. 1. It is the intent of this chapter that state offices  
36 be open and able to conduct public business at all times during an eight  
37 and one-half (8 1/2) hour working day. Each employee shall work for  
38 a full seven and one-half (7 1/2) hours each working day and provision  
39 for a one (1) hour lunch period shall be provided each employee. Lunch  
40 hours of employees shall be staggered to permit the conduct of business  
41 at all times during a working day. Breaks shall be provided as set forth  
42 in IC 5-10-6-2. It shall be lawful for state offices to close their doors for  
43 business from the close of the working day each Friday or in the event  
44 Friday is a legal holiday, then from the close of the working day on the  
45 Thursday which immediately precedes such legal holiday, until the  
46 commencement of the working day on the next following Monday, or  
47 in the event Monday is a legal holiday, then until the commencement

1 of the working day on the Tuesday which immediately follows such  
 2 legal holiday; provided, however, that the state library may be kept  
 3 open until noon Saturdays in the discretion of the **director of the**  
 4 Indiana **state** library. ~~and historical board.~~

5 SECTION 5. IC 4-5-1-2, AS AMENDED BY P.L.123-2006,  
 6 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 JULY 1, 2009]: Sec. 2. (a) The secretary of state shall keep and  
 8 preserve the following:

9 (1) The enrolled copy of the Constitution of the state.

10 (2) The manuscripts containing the enrolled acts and joint  
 11 resolutions of the general assembly.

12 (3) All the official bonds of state officers except the secretary of  
 13 state's bond.

14 (4) All written contracts to which the state is a party, unless  
 15 required to be deposited elsewhere.

16 (5) Any rule or other agency statement that is filed under  
 17 IC 4-22-2 before July 1, 2006.

18 (b) All documents described in subsection (a)(1), (a)(2), or (a)(5)  
 19 may be transferred **for safekeeping** by the secretary of state to the  
 20 commission on public records ~~for safekeeping, and established within~~  
 21 **the department of Indiana heritage and cultural resources by**  
 22 **IC 4-34.1-2-2(5)**. The commission shall receive and safely preserve  
 23 ~~them the documents~~ when transferred. The secretary of state and the  
 24 commission on public records shall establish an indexing system so  
 25 that the secretary of state, an agency, or the commission on public  
 26 records can comply with a request under IC 5-14-3 to inspect or copy  
 27 a transferred document described in subsection (a)(5), including the  
 28 full text of a matter incorporated by reference into a document  
 29 described in subsection (a)(5). The indexing system must at least  
 30 identify transferred documents by the following:

31 (1) Indiana Administrative Code citation.

32 (2) Indiana Register document control number or volume and  
 33 page number.

34 (3) Year of adoption.

35 (4) General subject matter.

36 (c) Regardless of whether a document described in subsection (a)(1)  
 37 or (a)(2) is transferred to the commission on public records under  
 38 subsection (b), when deemed expedient or necessary for the  
 39 preservation of the documents, the secretary of state may copy the  
 40 documents by any micrographic technique, and the micrographic  
 41 copies shall be stored in a place other than in the state capitol building  
 42 or the Indiana state library **established within the department of**  
 43 **Indiana heritage and cultural resources by IC 4-34.1-2-2(6)**.

44 (d) The secretary of state may copy in micrographic form the  
 45 complete contents of each rule that is filed with the secretary of state's  
 46 office under IC 4-22-2 before July 1, 2006. Both the rule and the full  
 47 text of matters incorporated by reference into the rule may be copied.

(e) Micrographic copies prepared under subsection (d) must conform with the following:

(1) The standards developed by the supreme court and the oversight commission on public records under IC 5-15-5.1-8.

(2) The standards developed in an agreement between the secretary of state, the publisher of the Indiana Register, the governor, the attorney general, the Indiana **state** library, ~~and historical department~~, and the commission on public records.

(f) The secretary of state may micrographically copy documents under subsection (d):

(1) in the micrographic laboratory operated by the commission on public records under IC 5-15-5.1-8;

(2) with equipment and technology operated by the secretary of state; or

(3) through a contract for services procured under IC 5-22.

(g) When a document is micrographically copied under this section, the original documents shall never be destroyed even if microfilmed. However, if the secretary of state has the capacity to make certifiable copies from a micrographic media prepared under subsection (d), the secretary of state may return to its originating agency the full text of any matter that is incorporated by reference into a rule and micrographically copied.

SECTION 6. IC 4-15-2-3.8, AS AMENDED BY P.L.1-2007, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3.8. "State service" means public service by:

(1) employees and officers, including the incumbent directors, of the county offices of family and children; and

(2) employees and officers, except members of boards and commissions or individuals hired for or appointed to, after June 30, 1982, positions as appointing authorities, deputies, assistants reporting to appointing authorities, or supervisors of major units within state agencies, irrespective of the title carried by those positions, of the division of disability and rehabilitative services, division of aging, Fort Wayne State Developmental Center, division of mental health and addiction, Larue D. Carter Memorial Hospital, Evansville State Psychiatric Treatment Center for Children, Evansville State Hospital, Logansport State Hospital, Madison State Hospital, Richmond State Hospital, state department of health, Indiana School for the Blind and Visually Impaired, Indiana School for the Deaf, Indiana Veterans' Home, Indiana Soldiers' and Sailors' Children's Home, Silvercrest Children's Development Center, department of correction, Westville Correctional Facility, Plainfield Juvenile Correctional Facility, Putnamville Correctional Facility, Indianapolis Juvenile Correctional Facility, Indiana State Prison, Indiana Women's Prison, Pendleton Correctional Facility, Reception and Diagnostic Center, Rockville Correctional Facility, Youth Rehabilitation

Facility, Plainfield Correctional Facility, department of homeland security (excluding a county emergency management organization and any other local emergency management organization created under IC 10-14-3), civil rights commission, criminal justice planning agency, department of workforce development, ~~Indiana historical bureau, Indiana state library,~~ division of family resources, department of child services, Indiana state board of animal health, Federal Surplus Property Warehouse, Indiana education employment relations board, department of labor, Indiana protection and advocacy services commission, ~~commission on public records,~~ Indiana horse racing commission, and state personnel department.

SECTION 7. IC 4-20.5-6-11, AS ADDED BY P.L.29-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. (a) The department shall commission and place within the state capitol a permanent display commemorating the contributions of black citizens of Indiana to:

- (1) the state;
- (2) other governmental entities; and
- (3) the private sector;

throughout the history of Indiana.

(b) The department shall consult with the Indiana historical bureau **established within the department of Indiana heritage and cultural resources** to:

- (1) identify the individuals whose contributions are to be included in the display; and
- (2) assist in the design of the display.

(c) Not later than July 1, 2008, the department shall submit the plans for the display to the legislative council for approval.

(d) After the legislative council has approved the plans for the display, the department shall have the display constructed and placed in the state capitol.

SECTION 8. IC 4-20.5-6-12, AS ADDED BY P.L.29-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. (a) The department shall commission and place within the state capitol a bust of President Benjamin Harrison.

(b) The department shall consult with the Indiana historical bureau **established within the department of Indiana heritage and cultural resources** and the Indiana arts commission to assist in the design of the bust.

(c) Not later than July 1, 2008, the department shall submit the plans for the bust to the legislative council for approval.

(d) After the legislative council approves the plans for the bust, the department shall have the bust made and placed in the state capitol.

SECTION 9. IC 4-20.5-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. The department shall notify the following of the proposed transfer:

- (1) Other state agencies.
- (2) State educational institutions.
- (3) The division of historic preservation and archeology of the department of ~~natural~~ **Indiana heritage and cultural** resources as required by IC 14-21-1-14.

SECTION 10. IC 4-22-7-4, AS AMENDED BY P.L.215-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. An agency shall maintain a copy of each rule that has been filed with the secretary of state (including documents filed with the secretary of state under IC 4-22-2-21) under a retention schedule established by the commission on public records **established within the department of Indiana heritage and cultural resources by IC 4-34.1-2-2(5).**

SECTION 11. IC 4-22-7-7, AS AMENDED BY P.L.123-2006, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) This section applies to the following agency statements:

- (1) Executive orders issued by the governor.
- (2) Notices that a rule has been disapproved or objected to by the attorney general under IC 4-22-2-32 or IC 4-22-2-38, or disapproved or objected to by the governor under IC 4-22-2-34 or IC 4-22-2-38.
- (3) Official opinions of the attorney general (excluding advisory letters).
- (4) Official explanatory opinions of the state board of accounts based on an official opinion of the attorney general.
- (5) Any other statement:

(A) that:

- (i) interprets, supplements, or implements a statute or rule;
  - (ii) has not been adopted in compliance with IC 4-22-2;
  - (iii) is not intended by its issuing agency to have the effect of law; and
  - (iv) may be used in conducting the agency's external affairs;
- or

(B) that specifies a policy that an agency relies upon to:

- (i) enforce a statute or rule;
- (ii) conduct an audit or investigation to determine compliance with a statute or rule; or
- (iii) impose a sanction for violation of a statute or rule.

This subdivision includes information bulletins, revenue rulings (including, subject to IC 6-8.1-3-3.5, a letter of findings), and other guidelines of an agency.

(6) A statement of the governor concerning extension of an approval period under IC 4-22-2-34.

(b) Whenever an agency adopts a statement described by subsection (a), the agency shall distribute electronic copies of the statement to the publisher for publication and indexing in the Indiana Register (in the

format specified by the publisher under IC 4-22-2) and the copies required by IC 4-23-7.1-26 to the Indiana **state** library. ~~and historical department~~. However, if a statement under subsection (a)(5)(B) is in the form of a manual, book, pamphlet, or reference publication, the publisher is required to publish only the title of the manual, book, or reference publication.

(c) Every agency that adopts a statement described under subsection (a) also shall maintain a current list of all agency statements described in subsection (a) that it may use in its external affairs. The agency shall update the listing at least every thirty (30) days. The agency shall include on the list the name of the agency and the following information for each statement:

- (1) Title.
- (2) Identification number.
- (3) Date originally adopted.
- (4) Date of last revision.
- (5) Reference to all other statements described in subsection (a) that are repealed or amended by the statement.
- (6) Brief description of the subject matter of the statement.

(d) At least quarterly, every agency that maintains a list under subsection (c) shall distribute two (2) copies to the Indiana **state** library ~~and historical department~~ and the administrative rules oversight committee.

SECTION 12. IC 4-23-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. ~~There is hereby created and~~ **(a) As used in this chapter, "advisory board" refers to the library and historical advisory board established by subsection (c).**

**(b) As used in this chapter, "commissioner" refers to the commissioner of the department of Indiana heritage and cultural resources established by IC 4-34.1-2-1.**

**(c) The library and historical advisory board is established. a department of the state government which shall be known as the Indiana Library and Historical Department.**

SECTION 13. IC 4-23-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. **(a) The management and control of the Indiana library and historical department is hereby vested in a advisory board which shall be known as the Indiana library and historical board; and which shall consist consists of five (5) members, who shall be appointed by the governor. as hereinafter provided: In the first instance, one (1) of such members shall be appointed for a term of one (1) year; one (1) member for a term of two (2) years; one (1) member for a term of three (3) years; and two (2) members for a term of four (4) years. Thereafter All members shall be appointed for terms of four (4) years. No A person shall may not be appointed as a member of the Indiana library and historical advisory board unless he the person is a citizen of high standing and probity and**

has a known and active interest in library or historical work. One (1) member of the library and historical board shall be appointed on recommendation of the state board of education, one (1) member shall be appointed on recommendation of the Indiana library, trustee association, one (1) member shall be appointed on recommendation of the Indiana library association, one (1) member shall be appointed on recommendation of the Indiana historical society, and one (1) member shall be selected and appointed by the governor.

(b) The members of the **advisory** board shall serve without compensation, but ~~shall be~~ **are** entitled to receive their actual expenses necessarily incurred in attending the meetings and transacting the business of the board, and in participating in such other activities as may be in the interest of the department. Any vacancy which may occur in the membership of the board for any cause shall be filled by appointment by the governor for the unexpired term, either on recommendation of the board, association, or society ~~hereinbefore~~ authorized to make ~~recommendations~~, **a recommendation** or by selection by the governor. ~~as hereinbefore provided~~. The **advisory** board may ~~prepare~~ **recommend** plans subject to the approval of the ~~governor~~ **commissioner** and advise with the proper officials in the construction of alterations and additions to the building and provide necessary equipment and furnishings within the appropriations of funds for these purposes. **Subject to the approval of the commissioner**, the **advisory** board may receive and administer any state or federal aid which may become available for the improvement and development of library and historical services in Indiana.

SECTION 14. IC 4-23-7-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2.1. (a) The ~~Indiana library and historical~~ **advisory** board shall elect one (1) of its members as president, another as secretary, and such other officers as it determines, each of whom shall hold office for a term of one (1) year.

(b) The ~~board~~ **commissioner** may designate the director of the state library or the director of the historical bureau as the executive secretary of the board with duties as prescribed by the ~~board~~ **commissioner**.

SECTION 15. IC 4-23-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. The ~~following are established within the Indiana library and historical department~~ **consists of two (2) divisions heritage and cultural resources department**:

(1) The Indiana state library **established by IC 4-34.1-2-2(6).** and

(2) The Indiana historical bureau **established by IC 4-34.1-2-2(4).**

SECTION 16. IC 4-23-7-3.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3.2. ~~In perfecting the internal organization of the department~~, The board may so apportion the duties of the department and of the several divisions thereof that like services in the various divisions may be performed by the same



1 employee or employees for the entire department: **commissioner is**  
 2 **responsible for the organizational structure of the Indiana state**  
 3 **library and the Indiana historical bureau.**

4 SECTION 17. IC 4-23-7-3.5 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3.5. ~~No~~ **A** member of  
 6 the ~~library and historical advisory board, nor any the commissioner,~~  
 7 **the director, or other an** employee of the ~~department shall~~ **Indiana**  
 8 **state library or the Indiana historical bureau may not** directly or  
 9 indirectly solicit subscription or contribution for any political party or  
 10 political purpose, or be forced in any way to make such contribution,  
 11 or be required to participate in any form of political activity.

12 SECTION 18. IC 4-23-7-5 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. Subject to the  
 14 provisions of this chapter, the ~~library and historical advisory board~~  
 15 shall ~~formulate recommend~~ rules and regulations for the care,  
 16 management, and expansion of the ~~library and historical department~~  
 17 **Indiana state library and the Indiana historical bureau** so that the  
 18 ~~department and its several divisions~~ **Indiana state library and the**  
 19 **Indiana historical bureau** may at all times be operated according to  
 20 the most approved standards of library and historical service.

21 SECTION 19. IC 4-23-7-5.2 IS AMENDED TO READ AS  
 22 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5.2. The ~~Indiana library~~  
 23 ~~and historical board commissioner~~ may accept gifts, bequests, and  
 24 devises of personal and real property for the maintenance, use, or  
 25 benefit of the Indiana **state** library and **Indiana** historical ~~department~~  
 26 **bureau** under such terms and conditions and with such obligations,  
 27 liabilities, and burdens as in the judgment of the ~~board and the~~  
 28 ~~governor commissioner~~ is in the best interest of the Indiana **state**  
 29 library and **Indiana** historical ~~department; bureau.~~ However, ~~no an~~  
 30 obligation, liability, or burden ~~shall may not~~ be assumed that is in  
 31 excess of appropriations made by law for the payment of such  
 32 obligations, liabilities, and burdens.

33 SECTION 20. IC 4-23-7-5.3 IS AMENDED TO READ AS  
 34 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5.3. (a) The ~~Indiana~~  
 35 ~~library and historical board may on the recommendation of the director~~  
 36 ~~of the state library; commissioner may~~ sell, lease, exchange, or  
 37 otherwise dispose of library materials under:

38 (1) IC 4-13-2-12; or

39 (2) IC 4-13-2-12.5.

40 (b) The ~~Indiana library and historical board commissioner may, on~~  
 41 ~~the recommendation of the director of the state library and in~~  
 42 accordance with policies and procedures adopted by the ~~board;~~  
 43 **director**, sell, donate, or exchange library materials to or with other  
 44 public or nonprofit libraries or historical societies.

45 (c) The ~~Indiana library and historical board commissioner may on~~  
 46 ~~the recommendation of the director of the state library; adopt policies~~  
 47 and procedures for evaluating a proposal to:

- (1) accept gifts of;
- (2) sell;
- (3) exchange; or
- (4) otherwise dispose of;

library materials described in IC 4-23-7.1-3.

SECTION 21. IC 4-23-7-5.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5.4. (a) The library and historical ~~department~~ fund is established as a dedicated fund to be administered by the ~~Indiana library and historical board~~; **department of Indiana heritage and cultural resources**. The monies in the fund may be expended by the ~~board~~ **department** exclusively for the maintenance, use, or benefit of the Indiana **state** library and **Indiana** historical ~~department~~; **bureau**.

(b) The proceeds from the sale of items as directed by law or by the ~~Indiana library and historical board~~; **commissioner**, from gifts of money or the proceeds from the sale of gifts donated to the fund, and from investment earnings from any portion of the fund, shall be deposited in the fund.

(c) All monies accruing in the fund are hereby appropriated continuously for the purposes specified in this section.

(d) No portion of the fund shall revert to the general fund of the state at the end of a fiscal year; however, if the fund is abolished, its contents shall revert to the general fund of the state.

SECTION 22. IC 4-23-7-30, AS AMENDED BY P.L.2-2007, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 30. (a) The ~~Indiana library and historical advisory board~~ shall establish the council on library automation to:

- (1) conduct ongoing planning activities for library automation in Indiana; and
- (2) advance the automation goals of Indiana's libraries through the cooperation of the appropriate library agencies and organizations.

(b) The council on library automation consists of thirteen (13) members as follows:

- (1) One (1) member from the Indiana library and historical board.
- (2) Two (2) members from area library services authorities.
- (3) Two (2) members from the Indiana cooperative library services authority.
- (4) Two (2) members from the department of education.
- (5) Two (2) members from the state educational institution library automation committee.
- (6) Two (2) members from the Indiana state library.
- (7) Two (2) members from public libraries.

(c) With regard to the members described in subsection (b)(1) through (b)(6), each respective entity or agency described in subsection (b)(1) through (b)(6) shall forward its nominees for appointment on the council to the ~~Indiana library and historical board~~ **commissioner** for confirmation.

(d) ~~The Indiana library and historical advisory~~ board shall establish a process to select the members appointed under subsection (b)(7).

(e) ~~Except as provided in subsection (f);~~ The terms of office for council members is three (3) years.

~~(f) The Indiana library and historical board shall establish the procedures for the council; including staggering the terms for initial members of the council.~~

~~(g)~~ (f) The council **on library automation** may do the following:

(1) Encourage planning by individual libraries and groups of libraries with regard to library automation.

(2) Annually update and distribute the statewide library automation and resource sharing plan.

(3) Submit to the state library board its recommendations concerning the adoption of library automation standards under IC 4-23-7.1-11(b).

(4) Encourage library automation, resource sharing, and document delivery programs that are consistent with state technology strategies, educational programs, and economic interests.

(5) Consult with appropriate agencies and organizations with an interest in library automation and resource sharing in Indiana.

(h) The council **on library automation** shall provide an annual report to the ~~Indiana library and historical advisory~~ board on the council's activities and progress made towards meeting the goals in the statewide library automation and resource sharing plan. The council shall recommend to the ~~Indiana library and historical advisory~~ board funding strategies that support the goals and initiatives contained in the statewide plan.

SECTION 23. IC 4-23-7.1-1, AS AMENDED BY P.L.1-2005, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. ~~As used in~~ **The following definitions apply throughout** this chapter:

(1) "Advisory council" refers to the Indiana state library advisory council established by section 39 of this chapter.

(2) "Agency" means any state administration, agency, authority, board, bureau, commission, committee, council, department, division, institution, office, service, or other similar body of state government.

(3) "Board" means the ~~Indiana library and historical advisory~~ board established by ~~IC 4-23-7-2.~~ **IC 4-23-7-1.**

~~(4) "Department" means the Indiana library and historical department established by IC 4-23-7-1.~~

~~(5)~~ (4) "Director" means director of the Indiana state library.

~~(6)~~ (5) "Historical bureau" means the Indiana historical bureau established by ~~IC 4-23-7-3.~~ **within the department of Indiana heritage and cultural resources by IC 4-34.1-2-2(4).**

~~(7)~~ (6) "Public library" has the meaning set forth in IC 36-12-1-5.

~~(8)~~ (7) "State library" means the Indiana state library established

1 ~~by IC 4-23-7-3, within the department of Indiana heritage and~~  
 2 ~~cultural resources by IC 4-34.1-2-2(6).~~

3 ~~(9) (8) "Statewide library card program" refers to the program~~  
 4 ~~established by section 5.1 of this chapter.~~

5 SECTION 24. IC 4-23-7.1-4 IS AMENDED TO READ AS  
 6 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. **With the advice of**  
 7 **the board**, the state library shall initiate or participate in plans or  
 8 programs for historical or library development in Indiana that are  
 9 considered appropriate. ~~by the Indiana library and historical board.~~

10 SECTION 25. IC 4-23-7.1-5.1, AS AMENDED BY P.L.1-2005,  
 11 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2009]: Sec. 5.1. (a) The state library shall develop and  
 13 implement a statewide library card program to enable individuals who  
 14 hold a valid statewide library card to present the statewide library card  
 15 to borrow:

- 16 (1) library books; or
- 17 (2) other items available for public borrowing from public
- 18 libraries as established by rules adopted by the board under
- 19 subsection (c);

20 from any public library in Indiana. The statewide library card program  
 21 is in addition to any reciprocal borrowing agreement entered into  
 22 between public libraries under IC 36-12-3-7 or IC 36-1-7.

23 (b) The statewide library card program developed under this section  
 24 must provide for at least the following:

- 25 (1) To be an eligible cardholder of a statewide library card or to
- 26 renew a statewide library card, the individual must:

- 27 (A) be a resident of Indiana;
- 28 (B) ask to receive or renew the statewide library card; and
- 29 (C) hold a valid resident or nonresident local library card
- 30 issued to the individual by a public library under
- 31 IC 36-12-2-25.

32 (2) The individual's public library shall pay a fee to be established  
 33 by rules adopted by the board under subsection (c) based on not  
 34 less than forty percent (40%) of the current average operating  
 35 fund expenditure per borrower by all eligible public libraries as  
 36 reported annually by the state library in the state library's annual  
 37 "Statistics of Indiana Libraries". The individual's public library  
 38 may assess the individual a fee to cover all or part of the costs  
 39 attributable to the fee required from the public library and the  
 40 amount charged to all individuals by a public library under this  
 41 subdivision may not exceed the amount the public library is  
 42 required to pay under this subdivision.

43 (3) Each statewide library card expires one (1) year after issuance  
 44 to an eligible cardholder.

45 (4) Statewide library cards are renewable for additional one (1)  
 46 year periods to eligible cardholders who comply with subdivision  
 47 (1).

(5) Statewide library cards shall be available to eligible cardholders at all public libraries.

(6) Each eligible cardholder using a statewide library card is responsible for the return of any borrowed item directly to the public library from which the cardholder borrowed the item.

(7) All public libraries shall participate in the statewide library card program and shall permit an individual who holds a valid statewide library card to borrow items available for borrowing as established by rules adopted by the board under subsection (c).

(8) A nonresident of a public library taxing district who requests a statewide library card shall pay a fee for that card that includes, but is not limited to, the sum of the following:

(A) The statewide library card fee that a public library is required to pay under subdivision (2).

(B) The library taxing district's operating fund expenditure per capita in the most recent year for which that information is available in the state library's annual "Statistics of Indiana Libraries".

This subdivision does not limit a library district's fee making ability or a library district's ability to enter township contractual arrangements.

(c) The ~~board~~ **director** shall adopt rules under IC 4-22-2 to implement this section, including rules governing the following:

(1) The amount and manner in which the public libraries shall remit the fee under subsection (b)(2) to the state library for the state library's use in conducting the statewide library card program.

(2) The manner of distribution and payment to each eligible public library district of the funds generated by the statewide library card program based upon the loans made by each eligible public library. To be eligible for a payment, the public library district must also comply with the standards and rules established under section 11 of this chapter.

(3) The manner in which fines, penalties, or other damage assessments may be charged to eligible cardholders for items:

(A) borrowed but not returned;

(B) returned to the inappropriate public library;

(C) returned after the items were otherwise due; or

(D) damaged.

(4) The dissemination of the statewide library cards to the public libraries.

(5) Record keeping procedures for the statewide library card program.

(6) Any other pertinent matter.

SECTION 26. IC 4-23-7.1-5.2, AS AMENDED BY P.L.1-2005, SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5.2. (a) As used in this section, "fund" refers to the

1 statewide library card fund established by subsection (b).

2 (b) The statewide library card fund is established as a dedicated  
3 fund to be administered by the state library. Money in the fund shall be  
4 disbursed by the director of the state library exclusively for:

- 5 (1) the costs of administering the statewide library card program;  
6 or  
7 (2) distribution to eligible public libraries for services related to  
8 loans of books or other library items under the statewide library  
9 card program.

10 (c) A public library is eligible for a distribution of money from the  
11 fund if the ~~board~~ **director** determines that the public library:

- 12 (1) meets the standards for public libraries established by rules of  
13 the ~~board~~ **director** or the ~~board~~ **director** has granted the public  
14 library a waiver from these standards; and  
15 (2) charges a fee in the amount required under IC 36-12-2-25 for  
16 issuing a local library card to a nonresident of the public library  
17 district.

18 (d) **After consultation with the board**, the ~~board~~ **director** shall  
19 adopt rules under IC 4-22-2 to establish a formula for the distribution  
20 of money in the fund to eligible public libraries. The formula must base  
21 the amount of money paid to an eligible public library upon the number  
22 of net loans made by the eligible public library under the statewide  
23 library card program.

24 (e) The fees collected under section 5.1 of this chapter shall be  
25 deposited in the fund. Interest earned on money in the fund shall be  
26 deposited in the fund.

27 (f) Money in the fund is appropriated continuously for the purposes  
28 specified in this section and section 5.1 of this chapter.

29 (g) Money in the fund at the end of a state fiscal year does not revert  
30 to the state general fund. If the fund is abolished, any money in the  
31 fund reverts to the state general fund.

32 SECTION 27. IC 4-23-7.1-11, AS AMENDED BY P.L.130-2007,  
33 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
34 JULY 1, 2009]: Sec. 11. (a) The ~~board~~ **director**, with the advice of the  
35 advisory council, shall establish operating standards and rules for  
36 libraries eligible to receive funds, either federal or state, under the  
37 provisions of any program for which the Indiana state library is the  
38 administrator. The Indiana state library shall monitor libraries eligible  
39 to receive funds or receiving funds to ascertain whether or not the  
40 standards and rules are being met.

41 (b) The ~~board~~ **director**, with the advice of the council on library  
42 automation established under IC 4-23-7-30, shall establish library  
43 automation standards for libraries. The Indiana state library shall  
44 monitor compliance with the standards.

45 SECTION 28. IC 4-23-7.1-15 IS AMENDED TO READ AS  
46 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 15. The state library  
47 may cooperate with any of the educational institutions of the state or

1 other institutions, organizations, or individuals for the purpose of  
 2 meeting its responsibilities in any manner and to any extent which may  
 3 be approved by the ~~board~~ **director**.

4 SECTION 29. IC 4-23-7.1-16 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 16. The state library  
 6 shall retain copies of all reports, documents, bulletins, or other  
 7 publications as may be necessary for its use or the use of the historical  
 8 bureau, and the copies remaining shall be distributed and exchanged in  
 9 such manner as may be prescribed by the ~~board~~ **director**.

10 SECTION 30. IC 4-23-7.1-21 IS AMENDED TO READ AS  
 11 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 21. The ~~board~~ **director**  
 12 shall determine the days and hours the library and its subdivisions will  
 13 be open for public use. However, the provisions of the laws governing  
 14 the length of the working day, the hours of public business, and the  
 15 observance of legal holidays shall be observed.

16 SECTION 31. IC 4-23-7.1-22, AS AMENDED BY P.L.130-2007,  
 17 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18 JULY 1, 2009]: Sec. 22. (a) The Indiana state library annually shall  
 19 collect data from all libraries in Indiana.

20 (b) Each public officer who:

- 21 (1) has in the officer's charge or custody;
- 22 (2) is capable of supplying; or
- 23 (3) is required to collect and compile;

24 information required by the ~~library and historical department~~ **bureau**  
 25 or by the state library shall supply the information promptly at the  
 26 request of the ~~department bureau~~ or the state library.

27 SECTION 32. IC 4-23-7.1-23 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 23. The enumeration  
 29 of the specific powers and duties in this chapter does not exclude the  
 30 state library from engaging in any other activity, not contrary to law,  
 31 that the ~~Indiana library and historical board~~ **director** may consider  
 32 appropriate in the development of library service to state government,  
 33 to the libraries and library profession of Indiana, and to the citizens of  
 34 the state.

35 SECTION 33. IC 4-23-7.1-24 IS AMENDED TO READ AS  
 36 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 24. The ~~board~~ **director**  
 37 may promulgate rules, under IC 4-22-2, to carry out the provisions and  
 38 purpose of this chapter.

39 SECTION 34. IC 4-23-7.1-32 IS AMENDED TO READ AS  
 40 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 32. Any book or other  
 41 library material, unless restricted because of its value, physical  
 42 condition, historical importance, demand, requirement for research or  
 43 legal or contractual restriction, belonging to or in custody of the state  
 44 library may be borrowed for use outside of the library by any resident  
 45 of the state or any library in accordance with rules adopted by the  
 46 ~~Indiana library and historical board~~ **director**.

47 SECTION 35. IC 4-23-7.1-33 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 33. Rules for all loans  
 2 including, at its discretion, the imposition of fines on borrowers for  
 3 violation of the rules, shall be established by the ~~board~~: **director**. All  
 4 funds accruing from such fines shall be deposited in the state library  
 5 publications fund.

6 SECTION 36. IC 4-23-7.1-36 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 36. The state library  
 8 shall be organized in such manner as determined by the director, ~~with~~  
 9 ~~the approval of~~ **after consultation with** the board. The duties of the  
 10 state library established by law may be supplemented by the ~~board~~  
 11 **director** according to ~~its~~ **the director's** discretion.

12 SECTION 37. IC 4-23-7.1-37 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 37. ~~(a) The board shall~~  
 14 ~~appoint a director to be the chief administrative officer of the state~~  
 15 ~~library.~~

16 ~~(b)~~ To qualify for the position of director, a person must:

- 17 (1) be a graduate of a college or university of recognized
- 18 standing;
- 19 (2) have had special training in the technique and organization of
- 20 library service;
- 21 (3) possess such other qualifications as the board, in its discretion,
- 22 may deem necessary.

23 ~~(c) The director may be removed by the board at any time for cause.~~

24 SECTION 38. IC 4-23-7.1-38 IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 38. ~~(a) All state library~~  
 26 ~~employees, except the director, shall be selected by the director with~~  
 27 ~~the approval of the board and may be removed by the director for cause~~  
 28 ~~at any time with the approval of the board.~~

29 ~~(b)~~ **(a)** In making selections for employment, recognition shall be  
 30 given to the fact that all certified librarians are under the Library  
 31 Certification Act. and that other staff personnel are under IC 4-15-2.

32 ~~(c)~~ **(b)** Any or all of the state library employees must have had such  
 33 academic preparation and special training for the work which they are  
 34 required to perform as may be prescribed in rules promulgated by the  
 35 board.

36 ~~(d) The board may provide that appointments may be made only~~  
 37 ~~after the applicant has successfully passed an examination given by the~~  
 38 ~~board or some person designated by the board.~~

39 ~~(e) No employee of the state library may directly or indirectly solicit~~  
 40 ~~subscription or contribution for any political party or political purpose;~~  
 41 ~~or be forced in any way to make such contribution; or be required to~~  
 42 ~~participate in any form of political activity.~~

43 ~~(f) The state budget agency shall fix the compensation of the~~  
 44 ~~director. The director shall fix the compensation of the employees of~~  
 45 ~~the state library with the approval of the board and the state budget~~  
 46 ~~agency.~~

47 SECTION 39. IC 4-23-7.1-39 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 39. (a) The Indiana  
 2 state library advisory council is established for the purpose of advising  
 3 ~~the board and~~ the state librarian concerning:

- 4 (1) general policies of the **Indiana** state library;
- 5 (2) plans or programs for library development and interlibrary
- 6 cooperation;
- 7 (3) library research;
- 8 (4) professional development for librarians;
- 9 (5) standards and rules for library services;
- 10 (6) administration and distribution of state and federal funds; and
- 11 (7) other matters as requested by the board and the state librarian.

12 (b) The advisory council consists of ~~no fewer than~~ **at least** fifteen  
 13 (15) members.

14 (c) The membership of the council must be broadly representative  
 15 and comply with the requirements established by the federal  
 16 Department of Education under 34 ~~C.F.R.~~ **CFR** 770.

17 (d) The board shall appoint the members of the council with  
 18 nominations for appointment from library organizations and the state  
 19 librarian.

20 (e) Members of the advisory council shall serve two (2) year terms.

21 (f) A member of the advisory council is not entitled to:

- 22 (1) the minimum salary per diem provided by IC 4-10-11-2.1(b);
- 23 or
- 24 (2) reimbursement from state funds for traveling expenses and
- 25 other expenses actually incurred in connection with the member's
- 26 duties.

27 SECTION 40. IC 4-23-7.2-1 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. As used in this  
 29 chapter:

30 (1) "Agency" means any state administration, agency, authority,  
 31 board, bureau, commission, committee, council, department, division,  
 32 institution, office, service, or other similar body of state government.

33 (2) "Board" means the ~~Indiana~~ library and historical **advisory** board  
 34 established by ~~IC 4-23-7-2~~ **IC 4-23-7-1**.

35 ~~(3) "Department" means the Indiana library and historical~~  
 36 ~~department established by IC 4-23-7-1.~~

37 ~~(4) (3) "Director" means the~~ director of the Indiana historical  
 38 bureau.

39 ~~(5) (4) "Historical bureau" means the Indiana historical bureau~~  
 40 ~~established by IC 4-23-7-3.~~ **within the department of Indiana**  
 41 **heritage and cultural resources by IC 4-34.1-2-2(4).**

42 ~~(6) (5) "Library" means the Indiana state library established by~~  
 43 ~~IC 4-23-7-3.~~ **within the department of Indiana heritage and cultural**  
 44 **resources by IC 4-34.1-2-2(6).**

45 SECTION 41. IC 4-23-7.2-3 IS AMENDED TO READ AS  
 46 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. The historical bureau  
 47 may compile and publish digests, reports, and bulletins of purely

1 informational or statistical character on any question which the board  
 2 may deem to be of interest or value to the people of the state. Any  
 3 expenses which may be incurred in the publication of any such digest,  
 4 report, or bulletin shall be defrayed out of the funds which may be  
 5 appropriated for the use of the department of **Indiana heritage and**  
 6 **cultural resources** or the historical bureau.

7 SECTION 42. IC 4-23-7.2-4 IS AMENDED TO READ AS  
 8 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. The historical bureau  
 9 may cooperate with any of the educational institutions of the state or  
 10 other institutions, organizations, or individuals for the purpose of  
 11 meeting its responsibilities in any manner and to any extent which may  
 12 be approved by the ~~board~~ **director**.

13 SECTION 43. IC 4-23-7.2-5 IS AMENDED TO READ AS  
 14 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. All expenses  
 15 incurred in the preparation, compilation, printing, binding, and  
 16 publication of the volumes of source and other historical material  
 17 issued by the historical bureau shall be defrayed out of funds at the  
 18 disposal of the bureau which may be appropriated by law for that  
 19 purpose, and shall be printed by the commission on public records  
 20 **established within the department of Indiana heritage and cultural**  
 21 **resources by IC 4-34.1-2-2(5)**, and under the terms of any contract  
 22 which the state may have executed and entered into for public printing,  
 23 and under the direction and supervision of the historical bureau.

24 SECTION 44. IC 4-23-7.2-6 IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. One (1) copy of each  
 26 publication issued by the historical bureau shall be furnished to each  
 27 public library in the state, and the board may furnish copies free of  
 28 charge to such other persons, institutions, or departments as in its  
 29 judgment may be entitled thereto. The copies so remaining shall be  
 30 sold by the bureau at a price which shall be fixed by the ~~board~~  
 31 **director**.

32 SECTION 45. IC 4-23-7.2-8 IS AMENDED TO READ AS  
 33 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) The governors'  
 34 portraits collection is placed in the custody of the Indiana historical  
 35 bureau. The collection shall be permanently displayed in public areas  
 36 of the state house under the supervision of the historical bureau, which  
 37 is charged with its care and maintenance.

38 (b) The director shall inspect each painting in the collection  
 39 annually in the company of one (1) or more experts in the field of art  
 40 conservation selected by the director.

41 (c) After the inauguration of each governor, the director, with the  
 42 concurrence of the governor, shall select and commission an artist to  
 43 paint the governor's portrait. The portrait must be hung in the  
 44 permanent collection immediately following the completion and  
 45 acceptance of the portrait by the director and the governor.

46 (d) The historical bureau shall include in its budget requests the  
 47 amount it deems necessary to provide for the proper care, maintenance,

1 and display of the governors' portraits collection, and the amount  
 2 necessary to commission the painting of an oil portrait of each governor  
 3 for the collection. The historical bureau may use appropriated funds or  
 4 any other funds provided for these purposes.

5 (e) The director, in discharging the duties under this section, shall  
 6 use the appropriate cultural and technical resources of the state,  
 7 including the department of ~~natural~~ **Indiana heritage and cultural**  
 8 resources and the Indiana department of administration.

9 SECTION 46. IC 4-23-7.2-11 IS AMENDED TO READ AS  
 10 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. (a) The historical  
 11 bureau shall establish the Indiana historical marker program for  
 12 marking historical sites in Indiana. As a part of this program, the  
 13 historical bureau shall fix a state format for historical markers. No  
 14 person may erect an historical marker in the state format without the  
 15 approval of the historical bureau. All historical markers in the state  
 16 format shall be provided by the historical bureau using appropriated  
 17 funds, local matching funds, donations, grants, or any other funds  
 18 provided for that purpose according to the guidelines and rules of the  
 19 historical marker program.

20 (b) The ~~board~~ **director** may appoint a historical marker advisory  
 21 committee to serve without compensation. The committee may advise  
 22 the board and the director concerning the following:

23 (1) Guidelines and rules for the historical marker program.

24 (2) Appropriate sites to be marked.

25 (3) Other matters concerning the historical marker program as  
 26 requested by ~~the board~~ or the director.

27 (c) Historical markers approved under this section become the  
 28 property of the state. Maintenance of state historical markers is part of  
 29 the historical marker program. The historical bureau may cooperate  
 30 with individuals, local and state agencies, and private institutions and  
 31 organizations for the maintenance of the historical markers. Funds  
 32 made available to the historical marker program, as approved by the  
 33 ~~board~~, **director**, may be used for necessary maintenance.

34 (d) No historical marker may be erected on a highway of the state  
 35 highway system without the approval of the historical bureau as to its  
 36 historical accuracy. This provision is in addition to any other  
 37 requirement of law.

38 SECTION 47. IC 4-23-7.2-14 IS AMENDED TO READ AS  
 39 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. The ~~board~~ **director**  
 40 may ~~promulgate~~ **adopt** rules under IC 4-22-2 to carry out the  
 41 provisions and purpose of this chapter.

42 SECTION 48. IC 4-23-7.2-15 IS AMENDED TO READ AS  
 43 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 15. The historical  
 44 bureau shall be organized in such manner as determined by the director  
 45 with the ~~approval~~ **advice** of the board. The duties of the historical  
 46 bureau established by law may be supplemented by the board  
 47 according to its discretion.

1 SECTION 49. IC 4-23-7.2-16 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 16. ~~(a) The board shall~~  
 3 ~~appoint a director to be the chief administrative officer of the historical~~  
 4 ~~bureau.~~

5 ~~(b)~~ To qualify for the position of director, a person must:

6 (1) be a graduate of a college or university of recognized  
 7 standing;

8 (2) have had special training in the nature, relative value, and use  
 9 of historical source material;

10 (3) have had special training in the editing of historical  
 11 publications; and

12 (4) possess such other qualifications as the board, in its discretion,  
 13 may deem necessary.

14 ~~(c) The director may be removed by the board at any time for cause.~~

15 SECTION 50. IC 4-23-7.2-17 IS AMENDED TO READ AS  
 16 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 17. ~~(a) All historical~~  
 17 ~~bureau employees, except the director, shall be selected by the director~~  
 18 ~~with the approval of the board and may be removed by the director for~~  
 19 ~~cause at any time with the approval of the board.~~

20 ~~(b) Any or all of the Historical bureau employees must have had~~  
 21 ~~such academic preparation and special training for the work which they~~  
 22 ~~are required to perform as may be prescribed in rules promulgated by~~  
 23 ~~the board.~~

24 ~~(c) The board may provide that appointments may be made only~~  
 25 ~~after the applicant has successfully passed an examination given by the~~  
 26 ~~board or some person designated by the board.~~

27 ~~(d) The state budget agency shall fix the compensation of the~~  
 28 ~~director. The director shall fix the compensation of the employees of~~  
 29 ~~the historical bureau, with the approval of the board and the state~~  
 30 ~~budget agency.~~

31 ~~(e) No employee of the historical bureau may directly or indirectly~~  
 32 ~~solicit subscription or contribution for any political party or political~~  
 33 ~~purpose, or be forced in any way to make such contribution, or be~~  
 34 ~~required to participate in any form of political activity.~~

35 ~~(f) All historical bureau employees are under IC 4-15-2.~~

36 SECTION 51. IC 4-23-7.2-18 IS AMENDED TO READ AS  
 37 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 18. The ~~board~~ **director**  
 38 may appoint an advisory committee of not to exceed nine (9) members,  
 39 who shall consult and advise with the director of the historical bureau  
 40 concerning the publication of historical material, the promotion of the  
 41 interest of the historical societies of Indiana, and in the conduct of the  
 42 historical work of the state generally. The **advisory** committee ~~so~~  
 43 ~~appointed~~ shall serve without compensation.

44 SECTION 52. IC 4-23-8-1 IS AMENDED TO READ AS  
 45 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. Express power and  
 46 authority is hereby given to the Indiana **state** library and **the Indiana**  
 47 ~~historical board bureau~~ to accept gifts, bequests, and devises of

personal and real property for the maintenance, use or benefit of the Indiana **state** library and **the Indiana** historical ~~department~~ **bureau**, **respectively**.

SECTION 53. IC 4-23-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. ~~Said~~ **The** Indiana **state** library and **the Indiana** historical ~~board~~ **bureau** may accept such gifts, bequests, and devises as provided in section 1 ~~hereof~~, **of this chapter** with such terms and conditions and with such obligations, liabilities, and burdens as are imposed thereon when, in the judgment of ~~said board~~ **the bureau** and with the approval of the ~~governor~~ **commissioner of the department of Indiana heritage and cultural resources**, it ~~shall be~~ **is** determined that it is for the best interest of ~~said department~~ **the Indiana state library or the Indiana historical bureau** to do so. ~~Provided~~, However, ~~That no~~ **an** obligation, liability, or burden ~~shall~~ **may not** be assumed on account thereof in excess of appropriations made by law and applicable to the payment of such obligations, liabilities, and burdens.

SECTION 54. IC 4-23-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. Any law to the contrary notwithstanding, any gift, bequest, or devise received by ~~said the Indiana state library and or Indiana historical board~~, ~~shall~~ **bureau** ~~is not be~~ required to be covered into the general fund, but shall be administered by ~~said board~~ **the Indiana state library or the Indiana historical bureau** according to the terms of said gift, bequest, or devise.

SECTION 55. IC 4-23-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. The annual reports of the meetings of the Indiana Academy of Science, beginning with the report for the year 1894, including all papers of scientific or economic value presented at such meetings, after they shall have been edited and prepared for publication, shall be published by the commission on public records **established within the department of Indiana heritage and cultural resources by IC 4-34.1-2-2(5)**.

SECTION 56. IC 4-23-9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. The reports shall be edited and prepared for publication without expense to the state, by a corps of editors to be selected and appointed by the Indiana Academy of Science, who shall not, by reason of such services, have any claim against the state for compensation. The form, style of binding, paper, typography and manner and extent of illustration of the reports shall be determined by the editors, subject to the approval of the commission on public records **established within the department of Indiana heritage and cultural resources by IC 4-34.1-2-2(5)**. Not less than fifteen hundred (1,500) nor more than three thousand (3,000) copies of each of said reports shall be published, the size of the edition to be determined by the concurrent action of the editors and the commission on public records.

SECTION 57. IC 4-34-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) Money in the fund shall be allocated annually to libraries, including the INSPIRE project.

(b) The Indiana ~~state library and historical board~~ established by ~~IC 4-23-7-2~~ **IC 4-34.1-2-2(6)** and the budget agency may jointly make rules necessary or appropriate to the administration of this chapter.

(c) Each library in Indiana is entitled in each calendar year to apply to the Indiana ~~state library and historical board~~ for a grant for a technology project. From time to time, but not more often than semiannually, the Indiana ~~state library and historical board~~ shall make recommendations to the budget agency as to grants from the Indiana technology fund. After review by the budget committee established by IC 4-12-1-3 and approval by the governor, the budget agency may allot money to the Indiana ~~state library and historical board~~ for the grants."

Page 1, between lines 12 and 13, begin a new paragraph and insert:

**"Sec. 4. "Fund" for purposes of IC 4-34.1-2-5, refers to the Indiana heritage and cultural resources fund."**

Page 1, line 13, delete "Sec. 4." and insert "Sec. 5."

Page 1, line 13, delete "and present" and insert ", **present, and future**".

Page 2, line 2, after "Indiana;" delete "and".

Page 2, line 3, delete "cultures." and insert "**culture; and**".

Page 2, between lines 3 and 4, begin a new line block indented and insert:

**"(5) cultural resources, including art, music, cuisine, literature, and humanities."**

Page 2, line 16, delete "department consists of the office of the" and insert **"following are established within the department:**

**(1) The office of the commissioner (IC 4-34.1-3).**

**(2) The division of historical preservation and archeology (IC 14-21).**

**(3) The division of state museums and historic sites (IC 14-20).**

**(4) The Indiana historical bureau (IC 4-23-7).**

**(5) The commission on public records (IC 5-15-5.1).**

**(6) The Indiana state library (IC 4-23-7).**

**(7) The Wabash River heritage corridor commission (IC 14-13-6).**

**(8) The state house tour office.**

**(9) The historic bridge marketing program."**

Page 2, delete line 17.

Page 2, line 31, delete "department of".

Page 3, between lines 5 and 6, begin a new paragraph and insert:

**"Sec. 6. The governor shall, with the recommendation of the commissioner, appoint the director of each division, bureau, or other agency established within the department.**

**Sec. 7. Except for the salary and compensation of the**

1 commissioner, the salaries and compensation of the directors  
 2 appointed under section 6 of this chapter shall be fixed by the  
 3 commissioner and approved by the budget agency as provided in  
 4 IC 4-12-1-13.

5 Sec. 8. Each director appointed under section 6 of this chapter  
 6 shall:

7 (1) with the approval of the commissioner and in the manner  
 8 provided by IC 4-15-2, appoint the employees that are hired  
 9 within the director's division; and

10 (2) fix the employees' compensation, subject to the approval  
 11 of the budget agency under IC 4-12-1-13.

12 An employee may be removed by the director for cause at any time  
 13 with the approval of the commissioner.

14 Sec. 9. (a) The commissioner shall:

15 (1) enter into an agreement with another state agency to  
 16 provide; or

17 (2) appoint;

18 administrative law judges for the department.

19 (b) A person who is not an administrative law judge under  
 20 subsection (a) may not act as an administrative law judge under  
 21 this article.

22 (c) An administrative law judge is subject to IC 4-15-2.

23 (d) The commissioner may create a division of hearings to assist  
 24 in performing the functions of this section.

25 Sec. 10. (a) As used in this section, "heritage and cultural  
 26 agency" refers to a division, bureau, or other agency established  
 27 within the department under IC 4-34.1-2-2. The term includes any  
 28 board or commission that is within a heritage and cultural agency.

29 (b) The rules adopted before July 1, 2009, concerning a heritage  
 30 and cultural agency shall be treated, after June 30, 2009, as rules  
 31 of the department.

32 (c) On July 1, 2009, all powers, duties, property, assets, and  
 33 liabilities of a heritage and cultural agency are transferred to the  
 34 department of Indiana heritage and cultural resources established  
 35 by this article as the successor agency.

36 (d) On July 1, 2009, all powers, duties, assets, and liabilities that  
 37 are attributable to a heritage and cultural agency are transferred  
 38 to the department.

39 (e) After June 30, 2009, any reference to:

40 (1) a heritage and cultural agency in a statute or rule  
 41 concerning the heritage and cultural agency shall be treated  
 42 as a reference to the department of Indiana heritage and  
 43 cultural resources;

44 (2) a heritage and cultural agency in a statute or rule shall be  
 45 treated as a reference to the department of Indiana heritage  
 46 and cultural resources; and

47 (3) the director of a heritage and cultural agency in a statute  
 48 or rule shall be treated as a reference to the commissioner of

the department of Indiana heritage and cultural resources.

(f) The transfers made under this section from a heritage and cultural agency to the department do not affect:

- (1) any rights or liabilities accrued;
- (2) any penalties incurred;
- (3) any violations committed;
- (4) any proceedings begun;
- (5) any bonds, notes, loans, or other forms of indebtedness issued, incurred, or made;
- (6) any tax levies made or authorized;
- (7) any funds established;
- (8) any patents issued;
- (9) the validity, continuation, or termination of any contracts, easements, or leases executed;
- (10) the validity, continuation, expiration, scope, termination, suspension, or revocation of:
  - (A) permits;
  - (B) licenses;
  - (C) certificates of registration;
  - (D) grants of authority; or
  - (E) limitations of authority;

before July 1, 2009 Those rights, liabilities, penalties, violations, proceedings, bonds, notes, loans, other forms of indebtedness, tax levies, funds, patents, contracts, easements, leases, permits, licenses, certificates of registration, grants of authority, and limitations of authority continue and shall continue to be imposed and enforced."

Page 3, between lines 14 and 15, begin a new paragraph and insert:

**"Sec. 4. The commissioner shall supervise the work of the department.**

**Sec. 5. The commissioner may adopt rules under IC 4-22-2 that are necessary to administer the department and the duties of the commissioner.**

SECTION 59. IC 5-15-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) Any officer, office, court, commission, board, institution, department, agent, or employee of the state, county, or any political subdivision being charged with the duty or authorized or required by law to record, preserve, keep, maintain, or file any record, document, plat, paper or instrument-in-writing, may, whenever any such officer, office, court, commission, board, institution, department, agent, or employee of the state, county, or any political subdivision shall deem it necessary, for the purpose of recording or copying same, preserving and protecting same, reducing space required for storage or filing of same, or any similar purpose, have or cause to have any or all such records recorded, copied, or reproduced by any photostatic, photographic, micrographic, electronic, or other process which correctly and accurately copies or



reproduces, recreates, or forms a medium of copying or reproducing the original record, document, plat, paper, or instrument-in-writing. Any officer, office, court, commission, board, institution, department, agent, or employee of the state may have or cause to have records recorded, copied, or reproduced under this subsection by any optical imaging process that correctly and accurately copies or reproduces, recreates, or forms a medium of copying or reproducing the original record, document, plat, paper, or instrument-in-writing.

(b) The original filing record may be destroyed if:

(1) the record has been copied or is capable of being reproduced or recreated under subsection (a); and

(2) the commission on public records **established within the department of Indiana heritage and cultural resources by IC 4-34.1-2-2(5)**, as to state records, or the commission of public records of the respective county, as to records of counties and other local units of government, has decided to destroy the original record.

(c) Copies, recreations, or reproductions made under subsection (a):

(1) shall have the same force and effect at law as the original record destroyed under subsection (b); and

(2) shall be received as evidence in any court where the original record could have been so introduced;

if the recreations, copies, or reproductions are properly certified as to authenticity and accuracy by a duly constituted official custodian of such records.

(d) All micrographics processes done under this chapter shall comply with the quality standards developed under IC 5-15-5.1-8.

(e) This section does not apply to the state court administration division of the supreme court.

SECTION 60. IC 5-15-5.1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. As used in this chapter:

"Commission" means the commission on public records ~~created by this chapter~~ **established within the department of Indiana heritage and cultural resources by IC 4-34.1-2-2(5)**.

"Record" means all documentation of the informational, communicative or decisionmaking processes of state government, its agencies and subdivisions made or received by any agency of state government or its employees in connection with the transaction of public business or government functions, which documentation is created, received, retained, maintained, or filed by that agency or its successors as evidence of its activities or because of the informational value of the data in the documentation, and which is generated on:

(1) paper or paper substitutes;

(2) photographic or chemically based media;

(3) magnetic or machine readable media; or

(4) any other materials, regardless of form or characteristics.

1 "Nonrecord materials" means all identical copies of forms, records,  
2 reference books, and exhibit materials which are made, or acquired,  
3 and preserved solely for reference use, exhibition purposes, or  
4 publication and which are not included within the definition of record.

5 "Personal records" means:

6 (1) all documentary materials of a private or nonpublic character  
7 which do not relate to or have an effect upon the carrying out of  
8 the constitutional, statutory, or other official or ceremonial duties  
9 of a public official, including: diaries, journals, or other personal  
10 notes serving as the functional equivalent of a diary or journal  
11 which are not prepared or utilized for, or circulated or  
12 communicated in the course of, transacting government business;  
13 or

14 (2) materials relating to private political associations, and having  
15 no relation to or effect upon the carrying out of constitutional,  
16 statutory, or other official or ceremonial duties of a public official  
17 and are not deemed public records.

18 "Form" means every piece of paper, transparent plate, or film  
19 containing information, printed, generated, or reproduced by whatever  
20 means, with blank spaces left for the entry of additional information to  
21 be used in any transaction involving the state.

22 "Agency" means any state office, department, division, board,  
23 bureau, commission, authority, or other separate unit of state  
24 government established by the constitution, law, or by executive or  
25 legislative order.

26 "Public official" means an individual holding a state office created  
27 by the Constitution of Indiana, by act or resolution of the general  
28 assembly, or by the governor; all officers of the executive and  
29 administrative branch of state government; and all other officers,  
30 heads, presidents, or chairmen of agencies of state government.

31 "Indiana state archives" means the program maintained by the  
32 commission for the preservation of those records and other government  
33 papers that have been determined by the commission to have sufficient  
34 permanent values to warrant their continued preservation by the state.

35 "Forms management" means the program maintained by the  
36 commission to provide continuity of forms design procedures from the  
37 form's origin up to its completion as a record by determining the form's  
38 size, style and size of type; format; type of construction; number of  
39 plies; quality, weight and type of paper and carbon; and by determining  
40 the use of the form for data entry as well as the distribution.

41 "Information management" means the program maintained by the  
42 commission for the application of management techniques to the  
43 purchase, creation, utilization, maintenance, retention, preservation,  
44 and disposal of forms and records undertaken to improve efficiency and  
45 reduce costs of recordkeeping; including management of filing and  
46 microfilming equipment and supplies, filing and information retrieval  
47 systems, files, correspondence, reports and forms management,

1 historical documentation, micrographic retention programming, and  
2 critical records protection.

3 "Records center" means a program maintained by the commission  
4 primarily for the storage, processing, retrieving, servicing, and security  
5 of government records that must be retained for varying periods of time  
6 but should not be maintained in an agency's office equipment or space.

7 "Critical records" means records necessary to resume or continue  
8 governmental operations, the reestablishing of the legal and financial  
9 responsibilities of government in the state, or to protect and fulfill  
10 governmental obligations to the citizens of the state.

11 "Retention schedule" means a set of instructions prescribing how  
12 long, where, and in what form a record series shall be kept.

13 "Records series" means documents or records that are filed in a  
14 unified arrangement, and having similar physical characteristics or  
15 relating to a similar function or activity.

16 "Records coordinator" means a person designated by an agency to  
17 serve as an information liaison person between the agency and the  
18 commission.

19 SECTION 61. IC 5-15-5.1-3 IS AMENDED TO READ AS  
20 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. ~~There is created~~ The  
21 commission on public records **to established within the department**  
22 **of Indiana heritage and cultural resources by IC 4-34.1-2-2(5) shall**  
23 administer this chapter for the administrative and executive branches  
24 of state government. The commission shall adopt a seal which shall be  
25 the seal of the state of Indiana. The commission shall offer its services  
26 to the legislative and judicial branches of state government.

27 SECTION 62. IC 5-15-5.1-4 IS AMENDED TO READ AS  
28 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. ~~(a) Subject to the~~  
29 **approval of the governor, the commissioner of the department of**  
30 **Indiana heritage and cultural resources** shall appoint a director as  
31 the executive head of the commission. The director must be versed in  
32 the principles of information and forms management, archives, and the  
33 affairs and organization of state government. The director shall serve  
34 a term of four (4) years. However, the director may be removed for  
35 cause by the governor. It is the intent of the general assembly that the  
36 director be a person who is qualified by training and experience to  
37 administer the affairs of the commission and that the director's tenure  
38 of office is limited only by the director's ability and the proper  
39 performance of the director's duties.

40 ~~(b) The director, subject to the approval of the governor and the~~  
41 ~~budget agency, shall appoint such staff as necessary to implement this~~  
42 ~~chapter.~~

43 ~~(c) The salary of the director is subject to the approval of the~~  
44 ~~governor and the budget agency. Salaries of the staff are subject to the~~  
45 ~~approval of the state personnel department and the budget agency. The~~  
46 ~~provisions of IC 4-15-2 apply to the staff of the commission.~~

47 SECTION 63. IC 5-15-5.1-18, AS AMENDED BY P.L.177-2005,

SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 18. (a) The oversight committee on public records consists ex officio of:

- (1) the governor or the governor's designee;
- (2) the secretary of state or the secretary's designee;
- (3) the state examiner of the state board of accounts or the state examiner's designee;
- (4) the director of the state library;
- (5) the director of the historical bureau;
- (6) the director of the commission on public records;
- (7) the commissioner of the department of administration or the commissioner's designee;
- (8) the public access counselor; and
- (9) the chief information officer of the office of technology appointed under IC 4-13.1-2-3 or the chief information officer's designee.

(b) The oversight committee also consists of two (2) lay members appointed by the governor for a term of four (4) years. One (1) lay member shall be a professional journalist or be a member of an association related to journalism.

(c) The oversight committee shall elect one (1) of its members to be chairman. The director of the commission on public records shall be the secretary of the committee. The ex officio members of the oversight committee shall serve without compensation and shall receive no reimbursement for any expense which they may incur. Each lay member is entitled to reimbursement for traveling and other expenses as provided in the state travel policies and procedures, established by the department of administration and approved by the budget agency and each lay member is entitled to the minimum salary per diem as provided in IC 4-10-11-2.1(b).

SECTION 64. IC 5-15-5.1-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 19. (a) It is the duty of the oversight committee to:

- (1) function as the **policy making advisory** body for the commission; and
- (2) ~~determine~~ **recommend** what records have no apparent official value but should be preserved for research or other purposes.

(b) The oversight committee shall maintain a master list of all record series that are classified as confidential by statute or rule.

(c) The oversight committee ~~has final~~ **shall recommend** approval of all record retention schedules.

(d) The oversight committee ~~has final approval of~~ **shall recommend** a fee schedule established by the commission under section 5(a)(16) of this chapter.

SECTION 65. IC 5-15-5.1-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 20. (a) The oversight committee shall:

(1) ~~establish~~ **recommend** standards for safeguarding personal information systems ~~that shall to~~ be followed by agencies maintaining such systems;

(2) ~~approve~~ **recommend** the content of all forms that involve confidential records; and

(3) ~~require~~ **recommend the** use of archival quality paper for records that the commission determines should be preserved indefinitely.

(b) The oversight committee ~~may adopt~~ **may recommend the adoption of** rules under IC 4-22-2 necessary for the performance of ~~its~~ **the commission's** duties, consistent with this chapter and other applicable Indiana laws.

SECTION 66. IC 5-15-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) It shall be the duty of the county commission to determine the following:

(1) Which public records, if any, are no longer of official or historical value.

(2) Which public records are of current official value and should be retained in the office where they are required to be filed.

(3) Which public records are of official value but are consulted and used so infrequently that they are no longer of appreciable value to the officer with whom they are required to be filed.

(4) Which public records are of no apparent official value but which do have historical value.

(b) The county commission may request the assistance of the commission on public records established ~~under IC 5-15-5.1~~ **within the department of Indiana heritage and cultural resources by IC 4-34.1-2-2(5)** in developing records management programs.

SECTION 67. IC 5-22-22-1, AS AMENDED BY P.L.188-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) This chapter applies only to personal property owned by a governmental body.

(b) This chapter does not apply to dispositions of property described in any of the following:

(1) IC 5-22-21-1(b).

(2) IC 36-1-11-5.5.

(3) IC 36-1-11-5.7.

(c) This chapter does not apply to any of the following:

(1) The disposal of property under an urban homesteading program under IC 36-7-17.

(2) The lease of school buildings under IC 20-47.

(3) The sale of land to a lessor in a lease-purchase contract under IC 36-1-10.

(4) The disposal of property by a redevelopment commission established under IC 36-7.

(5) The leasing of property by a board of aviation commissioners established under IC 8-22-2 or an airport authority established

- 1 under IC 8-22-3.
- 2 (6) The disposal of a municipally owned utility under IC 8-1.5.
- 3 (7) The sale or lease of property by a unit (as defined in
- 4 IC 36-1-2-23) to an Indiana nonprofit corporation organized for
- 5 educational, literary, scientific, religious, or charitable purposes
- 6 that is exempt from federal income taxation under Section 501 of
- 7 the Internal Revenue Code or the sale or reletting of that property
- 8 by the nonprofit corporation.
- 9 (8) The disposal of surplus property by a hospital established and
- 10 operated under IC 16-22-1 through IC 16-22-5, IC 16-22-8,
- 11 IC 16-23-1, or IC 16-24-1.
- 12 (9) The sale or lease of property acquired under IC 36-7-13 for
- 13 industrial development.
- 14 (10) The sale, lease, or disposal of property by a local hospital
- 15 authority under IC 5-1-4.
- 16 (11) The sale or other disposition of property by a county or
- 17 municipality to finance housing under IC 5-20-2.
- 18 (12) The disposition of property by a soil and water conservation
- 19 district under IC 14-32.
- 20 (13) The disposal of surplus property by the health and hospital
- 21 corporation established and operated under IC 16-22-8.
- 22 (14) The disposal of personal property by a library board under
- 23 IC 36-12-3-5(c).
- 24 (15) The sale or disposal of property by the historic preservation
- 25 commission under IC 36-7-11.1.
- 26 (16) The disposal of an interest in property by a housing authority
- 27 under IC 36-7-18.
- 28 (17) The disposal of property under IC 36-9-37-26.
- 29 (18) The disposal of property used for park purposes under
- 30 IC 36-10-7-8.
- 31 (19) The disposal of textbooks that will no longer be used by
- 32 school corporations under IC 20-26-12.
- 33 (20) The disposal of residential structures or improvements by a
- 34 municipal corporation without consideration to:
- 35 (A) a governmental body; or
- 36 (B) a nonprofit corporation that is organized to expand the
- 37 supply or sustain the existing supply of good quality,
- 38 affordable housing for residents of Indiana having low or
- 39 moderate incomes.
- 40 (21) The disposal of historic property without consideration to a
- 41 nonprofit corporation whose charter or articles of incorporation
- 42 allows the corporation to take action for the preservation of
- 43 historic property. As used in this subdivision, "historic property"
- 44 means property that is:
- 45 (A) listed on the National Register of Historic Places; or
- 46 (B) eligible for listing on the National Register of Historic
- 47 Places, as determined by the division of historic preservation

and archeology ~~of established within~~ the department of  
~~natural~~ **Indiana heritage and cultural** resources by  
**IC 4-34.1-2-2(2).**

(22) The disposal of real property without consideration to:

(A) a governmental body; or

(B) a nonprofit corporation that exists for the primary purpose  
of enhancing the environment;

when the property is to be used for compliance with a permit or  
an order issued by a federal or state regulatory agency to mitigate  
an adverse environmental impact.

(23) The disposal of property to a person under an agreement  
between the person and a governmental body under IC 5-23.

SECTION 68. IC 5-28-13-5, AS ADDED BY P.L.4-2005,  
SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
JULY 1, 2009]: Sec. 5. The center shall establish an information file on  
all state agency permit requirements that affect business activities in  
Indiana. The center shall:

(1) develop methods for maintaining, updating, and providing  
ready access to the information file;

(2) use the information file to provide comprehensive information  
concerning permit requirements affecting business activities; and

(3) use the information file to provide the commission on public  
records **established within the department of Indiana heritage  
and cultural resources by IC 4-34.1-2-2(5)** with information  
that will enable the commission to consolidate, simplify, expedite,  
or otherwise improve permit procedures.

SECTION 69. IC 6-1.1-6.8-1 IS AMENDED TO READ AS  
FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. As used in this  
chapter, "director" refers to the director of the division of historic  
preservation and archeology of the department of ~~natural~~ **Indiana  
heritage and cultural** resources.

SECTION 70. IC 6-3.1-16-2 IS AMENDED TO READ AS  
FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. As used in this  
chapter, "division" means the division of historic preservation and  
archaeology ~~of established within~~ the department of ~~natural~~ **Indiana  
heritage and cultural** resources **by IC 4-34.1-2-2(2).**

SECTION 71. IC 6-3.1-22-2 IS AMENDED TO READ AS  
FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. As used in this  
chapter, "division" means the division of historic preservation and  
archeology ~~of established within~~ the department of ~~natural~~ **Indiana  
heritage and cultural** resources **by IC 4-34.1-2-2(2).**

SECTION 72. IC 10-18-1-10 IS AMENDED TO READ AS  
FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. (a) The commission  
shall employ an individual who is responsible for the care and  
preservation of all personal property owned by the commission that has  
historic significance.

(b) The individual employed by the commission under subsection

(a) must meet the qualifications set by the division of state museums and historic sites of the department of ~~natural~~ **Indiana heritage and cultural** resources.

SECTION 73. IC 13-14-1-11.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11.5. (a) If the department proposes to utilize a policy or statement that:

- (1) interprets, supplements, or implements a statute or rule;
- (2) has not been adopted in compliance with IC 4-22-2;
- (3) is not intended by the department to have the effect of law;
- and
- (4) is not related solely to internal department organization;

the proposed policy or statement may not be put into effect until the requirements of subsection (b) have been met.

(b) The department shall present the proposed policy or statement under subsection (a) to the appropriate board. At least forty-five (45) days before the presentation, the department shall make available to the public, including posting on the department's web site:

- (1) the proposed policy or statement;
- (2) information on the availability for public inspection of all materials relied upon by the department in the development of the proposed policy or statement, including, if applicable:
  - (A) health criteria;
  - (B) analytical methods;
  - (C) treatment technology;
  - (D) economic impact data;
  - (E) environmental assessment data; and
  - (F) other background data;
- (3) the date, time, and location of the presentation under this subsection to the appropriate board; and
- (4) information regarding the opportunity for a person to comment to the department and the appropriate board on the proposed policy or statement before or at the time of the presentation under this subsection.

The department shall provide to the appropriate board at the time of the presentation under this subsection a copy of all comments made by a person under subdivision (4). The proposed policy or statement may not be put into effect until thirty (30) days after the policy or statement is presented to the appropriate board.

(c) If the department utilizes a policy or statement described in subsection (a), the department shall distribute:

- (1) two (2) copies of the policy or statement to the publisher of the Indiana Register for publication in the Indiana Register; and
- (2) the copies required under IC 4-23-7.1-26 to the Indiana **state** library. ~~and historical department.~~

(d) The department shall:

- (1) maintain a current list of all department policies and statements described in subsection (a) that the department may



1 use in the department's external affairs; and

2 (2) update the list at least one (1) time each month.

3 (e) The department shall include the following information on the  
4 list described in subsection (d) for each policy or statement:

5 (1) The title of the policy or statement.

6 (2) The identification number of the policy or statement.

7 (3) The date the policy or statement was originally adopted.

8 (4) The date the policy or statement was last revised.

9 (5) A reference to all other policies or statements described in  
10 subsection (a) that are repealed or amended by the policy or  
11 statement.

12 (6) A brief description of the subject matter of the policy or  
13 statement.

14 (f) At least one (1) time every three (3) months, the department shall  
15 distribute two (2) copies of the list maintained and updated under  
16 subsection (d) to the following:

17 (1) The publisher of the Indiana Register.

18 (2) The Indiana ~~state~~ library. ~~and historical department.~~

19 SECTION 74. IC 14-8-2-48.5 IS ADDED TO THE INDIANA  
20 CODE AS A NEW SECTION TO READ AS FOLLOWS  
21 [EFFECTIVE JULY 1, 2009]: **Sec. 48.5. "Commissioner", for**  
22 **purposes of IC 14-13-6, IC 14-20, and IC 14-21, refers to the**  
23 **commissioner of the department of Indiana heritage and cultural**  
24 **resources established by IC 4-34.1-2-1.**

25 SECTION 75. IC 14-8-2-67, AS AMENDED BY P.L.120-2008,  
26 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
27 JULY 1, 2009]: Sec. 67. (a) "Department", except for purposes of  
28 ~~IC 14-32~~, as provided in subsections (b) and (c), refers to the  
29 department of natural resources.

30 **(b) "Department", for purposes of IC 14-20-1, refers to the**  
31 **department of Indiana heritage and cultural resources established**  
32 **by IC 4-34.1-2-1.**

33 ~~(b)~~ (c) "Department" for purposes of IC 14-32, refers to the Indiana  
34 state department of agriculture established by IC 15-11-2-1."

35 Page 3, line 20, strike "IC 14-20-1".

36 Page 3, line 20, delete "and IC 14-20-1.1," and insert "**IC 14-20**,"

37 Page 3, line 23, delete "." and insert "**of the department of Indiana**  
38 **heritage and cultural resources**."

39 Page 5, delete lines 23 through 42.

40 Page 6, delete lines 1 through 18, begin a new paragraph and insert:.

41 "SECTION 78. IC 14-9-4-1, AS AMENDED BY P.L.1-2006,  
42 SECTION 209, IS AMENDED TO READ AS FOLLOWS  
43 [EFFECTIVE JULY 1, 2009]: Sec. 1. The following divisions are  
44 established within the department:

45 (1) Accounting.

46 (2) Administrative support services.

47 (3) Budget.

- 1 (4) Engineering.
- 2 (5) Entomology and plant pathology.
- 3 (6) Fish and wildlife.
- 4 (7) Forestry.
- 5 ~~(8) Historic preservation and archeology.~~
- 6 ~~(9)~~ (8) Human resources.
- 7 ~~(10)~~ (9) Internal audit.
- 8 ~~(11)~~ (10) Land acquisition.
- 9 ~~(12)~~ (11) Law enforcement.
- 10 ~~(13)~~ (12) Management information systems.
- 11 ~~(14)~~ (13) Nature preserves.
- 12 ~~(15)~~ (14) Oil and gas.
- 13 ~~(16)~~ (15) Outdoor recreation.
- 14 ~~(17)~~ (16) Public information and education.
- 15 ~~(18)~~ (17) Reclamation.
- 16 ~~(19)~~ (18) Reservoir management.
- 17 ~~(20)~~ (19) Safety and training.
- 18 ~~(21) State museums and historic sites.~~
- 19 ~~(22)~~ (20) State parks.
- 20 ~~(23)~~ (21) Water.

21 SECTION 79. IC 14-10-3-1 IS AMENDED TO READ AS  
 22 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. This chapter applies  
 23 to the property managers of each of the following divisions of the  
 24 department:

- 25 (1) State parks.
- 26 (2) Forestry.
- 27 (3) Fish and wildlife.
- 28 (4) Reservoir management.
- 29 ~~(5) State museums and historic sites.~~

30 SECTION 80. IC 14-12-2-1 IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) The purpose of  
 32 the Indiana heritage trust program and this chapter is to acquire real  
 33 property or interests in real property that:

- 34 (1) is an example of outstanding natural features and habitats;
- 35 (2) has historical and archeological significance; and
- 36 (3) provides areas for conservation, recreation, and the restoration  
 37 of native biological diversity.

38 (b) The Indiana heritage trust program shall acquire real property for  
 39 new and existing state parks, state forests, nature preserves, fish and  
 40 wildlife areas, wetlands, trails, **historical and archeological sites**, and  
 41 river corridors. The program shall ensure that Indiana's rich natural  
 42 heritage is preserved or enhanced for succeeding generations.

43 (c) It is not the purpose of the Indiana heritage trust program to  
 44 acquire property for resale to the federal government. However, the  
 45 sale of property acquired under this chapter to the federal government  
 46 is not prohibited.

47 SECTION 81. IC 14-12-2-14 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. (a) The Indiana  
2 heritage trust project committee is established.

3 (b) The project committee consists of the following sixteen (16)  
4 members:

- 5 (1) The director of the division of fish and wildlife.
- 6 (2) The director of the division of forestry.
- 7 (3) The director of the division of nature preserves.
- 8 (4) The director of the division of state parks.
- 9 (5) The director of the division of outdoor recreation.
- 10 (6) The director of the division of state museums and historic sites
- 11 **of the department of Indiana heritage and cultural resources.**
- 12 (7) Ten (10) individuals appointed by the governor. The governor
- 13 shall appoint individuals so that all the following are satisfied:
- 14 (A) The individuals must be residents of Indiana.
- 15 (B) The individuals must have a demonstrated interest or
- 16 experience in:
  - 17 (i) conservation of natural resources; or
  - 18 (ii) management of public property.
- 19 (C) Each Indiana congressional district must be represented by
- 20 at least one (1) individual who is a resident of that
- 21 congressional district.
- 22 (D) The individuals must represent the following:
  - 23 (i) The environmentalist community.
  - 24 (ii) The academic community.
  - 25 (iii) Organized hunting and fishing groups.
  - 26 (iv) The forest products community.
  - 27 (v) The parks and recreation community.

28 SECTION 82. IC 14-12-2-22 IS AMENDED TO READ AS  
29 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 22. Property acquired  
30 by the state under this chapter may be managed by any of the  
31 following:

- 32 (1) The department.
- 33 (2) A person with whom the department enters into a management
- 34 agreement under rules adopted under section 34 of this chapter.
- 35 **(3) The department of Indiana heritage and cultural**
- 36 **resources.**
- 37 **(4) A person with whom the department of Indiana heritage**
- 38 **and cultural resources enters into a management agreement**
- 39 **under rules adopted under section 34 of this chapter.**

40 SECTION 83. IC 14-12-2-24 IS AMENDED TO READ AS  
41 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 24. The trust committee  
42 shall, with the assistance of the project committee, **the department of**  
43 **Indiana heritage and cultural resources**, and the department, adopt  
44 and make available to the public a strategic plan to implement the  
45 purposes of this chapter.

46 SECTION 84. IC 14-13-6-6 IS AMENDED TO READ AS  
47 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. The Wabash River

1 heritage corridor commission is established by **IC 4-34.1-2-2(7) within**  
 2 **the Indiana department of heritage and cultural resources.**

3 SECTION 85. IC 14-13-6-7, AS AMENDED BY P.L.229-2005,  
 4 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 5 JULY 1, 2009]: Sec. 7. The members of the commission are the  
 6 following:

7 (1) The ~~director~~ **commissioner** or the ~~director's commissioner's~~  
 8 designee.

9 (2) One (1) individual appointed by the county executive of each  
 10 county that:

11 (A) contains a part of the corridor; and

12 (B) chooses to support the activities of the commission by  
 13 resolution adopted by the county executive.

14 (3) The director of the Indiana department of transportation, or the  
 15 director's designee, who shall serve as a nonvoting member.

16 (4) The director of the division of historic preservation and  
 17 archaeology of the department of ~~natural~~ **Indiana heritage and**  
 18 **cultural** resources, or the director's designee, who shall serve as  
 19 a nonvoting member.

20 (5) The director of the department of environmental management,  
 21 or the director's designee, who shall serve as a nonvoting member.

22 (6) The director of the office of tourism development or the  
 23 director's designee, who shall serve as a nonvoting member.

24 (7) The president of the Indiana economic development  
 25 corporation or the president's designee, who shall serve as a  
 26 nonvoting member.

27 SECTION 86. IC 14-13-6-12 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. The ~~director~~  
 29 **commissioner** may designate an individual to act on the ~~director's~~  
 30 **commissioner's** behalf under this chapter.

31 SECTION 87. IC 14-13-6-14 IS AMENDED TO READ AS  
 32 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. The commission  
 33 shall select a president and vice president. The ~~director~~ **commissioner**  
 34 shall act as secretary of the commission.

35 SECTION 88. IC 14-13-6-19 IS AMENDED TO READ AS  
 36 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 19. (a) The Wabash  
 37 River heritage corridor commission fund is established for the purpose  
 38 of paying:

39 (1) reimbursement of the expenses of members under section 13  
 40 of this chapter;

41 (2) other administrative costs and expenses reasonably incurred  
 42 under this chapter, including expenses for publications and  
 43 postage; and

44 (3) costs incurred in fulfilling the directives of the Wabash River  
 45 heritage corridor commission master plan, including multi-county  
 46 projects and marketing and educational tools such as video tape  
 47 productions, signs, and promotional literature.

(b) The fund shall be administered by the ~~director~~ **commissioner** under the direction of the commission.

(c) The expenses of administering the fund shall be paid from money in the fund.

(d) The sources of money for the fund are:

(1) appropriations made to the fund; and

(2) any other funds obtained by the commission under section 22 of this chapter.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(f) Money in the fund at the end of a fiscal year does not revert to the state general fund.

SECTION 89. IC 14-13-6-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 21. Upon request from the commission, the ~~director~~ **commissioner** shall provide the commission with reasonable administrative support services to aid in carrying out the purposes of this chapter.

SECTION 90. IC 14-13-6-22, AS AMENDED BY P.L.27-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 22. (a) The commission is authorized to do the following:

(1) Hold public hearings.

(2) Request the presence and participation at a commission meeting of representatives of any governmental or private entity that has an interest in natural resources, tourism, historic preservation, archaeology, or environmental issues.

(3) Enter into contracts, within the limit of available funds, with individuals, organizations, and institutions for services that further the purposes of this chapter.

(4) Enter into contracts, within the limit of available funds, with local and regional nonprofit corporations and associations for cooperative endeavors that further the purposes of this chapter.

(5) Enter with governmental and private entities into cooperative agreements that further the purposes of this chapter.

(6) Receive appropriations of federal funds.

(7) Accept gifts, contributions, and bequests of funds from any source.

(8) Apply for, receive, and disburse funds available from the state or federal government in furtherance of the purposes of this chapter, and enter into any agreements that may be required as a condition of obtaining the funds.

(9) Enter into any agreement and perform any act that is necessary to carrying out the duties of the commission and the purposes of this chapter.

(b) The following conditions apply to the handling and

disbursement of any funds that the commission receives under subsection (a)(8):

(1) The department of **Indiana heritage and cultural resources** shall provide accounting services pertaining to the funds.

(2) The commission may appoint an individual to act as treasurer of the commission for purposes of the handling and disbursement of the funds.

(3) All expenditures must be reviewed by the commission at a meeting of the commission.

(4) A claim against the funds may not be paid without the signature of the director or the director's designee.

SECTION 91. IC 14-20-1-1.5, AS AMENDED BY P.L.66-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1.5. (a) The state museum development fund is established for the purpose of promoting interest in and use of the Indiana state museum.

(b) The state museum development fund shall be administered by the department of **Indiana heritage and cultural resources** or an entity designated by the department of **Indiana heritage and cultural resources**. The state museum development fund consists of revenue generated by exhibit fees, concessions, donations, grants, and other miscellaneous revenue. Money in the state museum development fund at the end of a state fiscal year does not revert to the state general fund.

(c) The balance of the state museum development fund is continuously appropriated and may be used at the request of the department with the approval of the budget agency after review by the budget committee.

SECTION 92. IC 14-20-1-1.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 1.7. As used in this chapter, "commissioner" refers to the commissioner of the department.**

SECTION 93. IC 14-20-1-1.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 1.8. As used in this chapter, "department" refers to the department of Indiana heritage and cultural resources established by IC 4-34.1-2-1.**

SECTION 94. IC 14-20-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. As used in this chapter, "division" refers to the division of state museums and historic sites **established by IC 4-34.1-2-2(3).**

Page 7, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 96. IC 14-20-1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. (a) This section applies to the negotiation and execution of a lease of historical property on which the department desires certain facilities to be provided. However, this section does not apply to a lease of historic property to:

(1) a political subdivision; or

- 1 (2) a state agency.
- 2 (b) The department shall prepare and publicize through appropriate
- 3 media a statement of intent that does the following:
- 4 (1) Describes the facilities that the department desires to be
- 5 provided on the historic property.
- 6 (2) Sets forth a procedure for the submission of proposals by
- 7 persons proposing to lease the historic property and provide the
- 8 facilities.
- 9 (c) A statement of intent prepared under subsection (b) must appear
- 10 in at least three (3) legal advertisements at ten (10) day intervals in at
- 11 least five (5) daily newspapers of wide and general circulation in
- 12 Indiana.
- 13 (d) During the sixty (60) days following the publication of the final
- 14 legal advertisement under subsection (c), proposals may be submitted
- 15 to the department in response to the statement of intent. The
- 16 department shall do the following:
- 17 (1) Select from the proposals submitted the one (1) proposal that
- 18 the department considers most appropriate for the fulfillment of
- 19 the statement of intent.
- 20 (2) Submit the proposal to the trustees and the commission for
- 21 approval.
- 22 (e) If the proposal is approved in writing by the trustees and the
- 23 ~~commission~~, **commissioner**, the department may negotiate a lease
- 24 agreement with the party that submitted the proposal. After a lease
- 25 agreement is entered into and set forth in writing, the department shall
- 26 submit the lease agreement to the attorney general for review. A lease
- 27 agreement that is:
- 28 (1) negotiated;
- 29 (2) executed by the authorized agents of the state and the lessee;
- 30 and
- 31 (3) approved by the attorney general;
- 32 under this section is a binding contract between the state and the lessee.
- 33 SECTION 97. IC 14-20-1-15 IS AMENDED TO READ AS
- 34 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 15. The ~~director~~
- 35 **commissioner** may ~~with the approval of the commission~~, adopt rules
- 36 under IC 4-22-2 to administer this chapter.
- 37 SECTION 98. IC 14-20-1-16, AS AMENDED BY P.L.66-2008,
- 38 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 39 JULY 1, 2009]: Sec. 16. (a) The board of trustees for the division of
- 40 state museums and historic sites **of the department of Indiana**
- 41 **heritage and cultural resources** is established.
- 42 (b) The trustees consist of thirteen (13) members as follows:
- 43 (1) The ~~director~~ **commissioner** of the department, who shall serve
- 44 as chairman.
- 45 (2) Twelve (12) members appointed by the governor as follows:
- 46 (A) One (1) member of the Indiana State Museum Foundation,
- 47 Inc., nominated by the foundation.

- 1 (B) Two (2) members must be recognized supporters of  
 2 historic sites.  
 3 (C) Not more than seven (7) members may be members of the  
 4 same political party.  
 5 (D) Not more than two (2) members may be from the same  
 6 county.  
 7 (E) Each congressional district in Indiana must be represented  
 8 by at least one (1) member.  
 9 (c) The terms of the appointed members shall be staggered."  
 10 Page 7, line 33, strike "director." and insert "**commissioner**".  
 11 Page 8, delete lines 30 through 42.  
 12 Page 9, delete lines 1 through 7, begin a new paragraph and insert:  
 13 "SECTION 100. IC 14-20-1-23 IS AMENDED TO READ AS  
 14 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 23. (a) The ~~commission~~  
 15 **commissioner** may ~~on recommendation of the trustees~~, accept or  
 16 refuse to accept an offered gift of historic property that would be  
 17 administered by the department.  
 18 (b) The ~~commission~~ **commissioner** may ~~on recommendation of the~~  
 19 ~~trustees~~, sell, lease, or exchange historic property administered by the  
 20 department under IC 4-20.5-7 or IC 5-22-22.  
 21 (c) The ~~commission~~ **commissioner** may, ~~on recommendation of the~~  
 22 ~~trustees~~ and in accordance with rules adopted by the ~~commission~~  
 23 **commissioner** under IC 4-22-2, sell, donate, or exchange artifacts in  
 24 the museum's collection to or with other public or nonprofit museums  
 25 or historical societies. However, the ~~commission~~ **commissioner** may  
 26 donate an artifact in the museum's collection to a public or nonprofit  
 27 museum or historical society under this subsection only if the museum  
 28 or historical society is located in Indiana.  
 29 (d) The ~~commission~~ **commissioner** may ~~on recommendation of the~~  
 30 ~~trustees~~, adopt rules under IC 4-22-2 to establish a procedure for  
 31 evaluating the merits of proposals to:  
 32 (1) accept gifts of;  
 33 (2) sell; or  
 34 (3) exchange;  
 35 artifacts or historic property."  
 36 Page 9, line 17, delete "sites." and insert "**sites established within**  
 37 **the department of Indiana heritage and cultural resources by**  
 38 **IC 4-34.1-2-2(3).**".  
 39 Page 9, line 25, delete "(a)".  
 40 Page 9, line 25, delete "IC 14-10-2-1(5)(E)" and insert "**IC**  
 41 **14-20-1-9**".  
 42 Page 9, delete lines 28 through 31, begin a new paragraph and  
 43 insert:  
 44 "SECTION 101. IC 14-20-2-1 IS AMENDED TO READ AS  
 45 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. The governor,  
 46 auditor of state, and ~~director~~ **commissioner** may, on behalf of and in  
 47 the name of the state, transfer and convey to the Tippecanoe County



1 park and recreational board, Tippecanoe County, Indiana, all rights,  
 2 title, and interest of the state, including maintenance and operating  
 3 equipment, in the Tippecanoe Battle Ground Memorial at Battle  
 4 Ground, Indiana. The grantee shall act as the agent of the general  
 5 assembly in the performance of the general assembly's constitutional  
 6 duty to preserve the Tippecanoe Battle Ground.

7 SECTION 102. IC 14-20-2-2 IS AMENDED TO READ AS  
 8 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. The transfer under  
 9 section 1 of this chapter is conditioned on the following:

10 (1) That when the recipient is in full possession, the recipient  
 11 shall forevermore maintain, develop, and use the Tippecanoe  
 12 Battle Ground Memorial, by whatever name, as a general park  
 13 and recreation area dedicated to the preservation of the  
 14 Tippecanoe Battle Ground.

15 (2) That the recipient of the property does not have the right to  
 16 sell, lease, or in any way transfer the control of the property, in  
 17 whole or in part, to a person, a firm, a party, or an agency of  
 18 government, except for use as a general park and recreation area  
 19 dedicated to the preservation of the Tippecanoe Battle Ground.

20 (3) That a subsequent owner, lessee, or controller of the property  
 21 does not have the right to use or cause the property to be used for  
 22 a purpose other than a general park and recreation area dedicated  
 23 to the preservation of the Tippecanoe Battle Ground.

24 (4) That should the property, in whole or in part, ever be used for  
 25 other than the stated purpose, the ~~director~~ **commissioner** may,  
 26 with approval of the governor, cause the property, in whole, to  
 27 revert to the status of ownership before February 16, 1972.

28 SECTION 103. IC 14-20-4-3 IS AMENDED TO READ AS  
 29 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) The commission  
 30 is composed of nine (9) members as follows:

31 (1) The lieutenant governor or the lieutenant governor's designee.

32 (2) The ~~director~~ **commissioner** or the ~~director's~~ **commissioner's**  
 33 designee.

34 (3) One (1) individual who must be an elected officer of the New  
 35 Harmony town legislative body.

36 (4) One (1) individual who must be a representative of the  
 37 University of Southern Indiana.

38 (5) One (1) individual who must be a representative of the Robert  
 39 Lee Blaffer Trust nominated by the trustees of the Robert Lee  
 40 Blaffer Trust.

41 (6) Four (4) other individuals, at least two (2) of whom must be  
 42 residents of Posey County.

43 (b) The governor shall appoint the members of the commission  
 44 under subsection (a)(3) through (a)(6).

45 SECTION 104. IC 14-20-5-1 IS AMENDED TO READ AS  
 46 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. The ~~commission~~  
 47 **commissioner** shall receive and accept, for and on behalf of the state,

the Whitewater canal system, including the feeder dam and reservoir at Laurel, Indiana, the canal, locks, aqueduct, and all other miscellaneous structures belonging to the Whitewater Canal Association, situated in Franklin County, Indiana, between Laurel, Indiana, and Brookville, Indiana.

SECTION 105. IC 14-20-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. This chapter does not apply if:

- (1) the Wilbur Wright memorial is transferred to the Wilbur Wright Birthplace Preservation Society after June 30, 1995; or
- (2) the ~~commission~~ **commissioner** declares the memorial to be surplus to the needs of the ~~commission~~ **commissioner** and the department.

SECTION 106. IC 14-20-15-4, AS AMENDED BY P.L.229-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. The commission consists of the following members:

- (1) Six (6) members of the house of representatives, to be appointed by the speaker of the house of representatives. Not more than three (3) members appointed under this subdivision may be members of the same political party.
- (2) Six (6) members of the senate, to be appointed by the president pro tempore of the senate. Not more than three (3) members appointed under this subdivision may be members of the same political party.
- (3) The governor or the governor's designee.
- (4) The ~~director~~ **commissioner** of the department of ~~natural~~ **Indiana heritage and cultural** resources or the ~~director's~~ **commissioner** designee.
- (5) One (1) employee of the office of tourism development with expertise in the tourism or film industry, to be designated by the director of the office of tourism development.
- (6) One (1) member of the Indiana historical society, to be appointed by the governor.
- (7) Three (3) Indiana citizens, to be appointed by the governor. Not more than two (2) members appointed under this subdivision may be members of the same political party.

SECTION 107. IC 14-21-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. **(a) The division of historic preservation and archeology is established within the department of Indiana heritage and cultural resources by IC 4-34.1-2-2(2).**

**(b)** The division of historic preservation and archeology shall administer and develop the programs and policies established by this chapter.

SECTION 108. IC 14-21-1-13, AS AMENDED BY P.L.2-2007, SECTION 169, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2009]: Sec. 13. The division may do the following:

(1) Recommend the purchase, lease, or gift of historic property of archeological importance and make recommendations to the ~~director~~, council and ~~commission~~ **commissioner** regarding policies affecting the operation and administration of these sites and structures by the section of historic sites of the division of state museums and historic sites **of the department of Indiana heritage and cultural resources.**

(2) Prepare and review planning and research studies relating to archeology.

(3) Conduct a program of education in archeology, either within the division or in conjunction with a postsecondary educational institution.

(4) Inspect and supervise an archeological field investigation authorized by this chapter.

SECTION 109. IC 14-21-1-14, AS AMENDED BY P.L.2-2007, SECTION 171, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. (a) This section does not apply to real property that is owned by a state educational institution.

(b) The Indiana department of administration shall notify the division of a proposed transfer of real property owned by the state at the earliest planning stage and no later than ninety (90) days before the date of the proposed transfer.

(c) The division shall inspect the property and notify the Indiana department of administration of the location of each historic site or historic structure on the property.

(d) Real property owned by the state may not be sold or transferred until the division has stated in writing that the property does not, to the best of the division's knowledge, contain a historic site or historic structure.

(e) If the Indiana department of administration receives notice of a historic site or historic structure on the property, the Indiana department of administration shall reserve control of the appropriate historic property by means of a covenant or an easement contained in the transferring instrument.

(f) The division of state museums and historic sites **of the department of Indiana heritage and cultural resources** shall administer property reserved under subsection (e).

SECTION 110. IC 14-21-1-18.5, AS AMENDED BY P.L.2-2007, SECTION 173, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 18.5. When submitting its biennial budget request, a state educational institution must:

(1) submit to the division of historic preservation and archeology of the department of ~~natural~~ **Indiana heritage and cultural resources** a copy of any ten (10) year capital plan of the state educational institution that is required by the budget agency or the

1 commission for higher education; and

2 (2) identify the projects included in the capital plan that may  
3 involve the alteration or demolition of historic sites or structures.

4 SECTION 111. IC 14-30-4-16, AS AMENDED BY P.L.146-2008,  
5 SECTION 427, IS AMENDED TO READ AS FOLLOWS  
6 [EFFECTIVE JULY 1, 2009]: Sec. 16. (a) The commission shall  
7 prepare an annual budget for the commission's operation and other  
8 expenditures under IC 6-1.1-17. The annual budget is subject to review  
9 and modification by the county board of tax adjustment of any  
10 participating county.

11 (b) The commission is not eligible for funding through the Wabash  
12 River heritage corridor commission established by ~~IC 14-13-6-6.~~  
13 **IC 4-34.1-2-2(7).**

14 SECTION 112. IC 14-34-3-3 IS AMENDED TO READ AS  
15 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. An application for  
16 a surface coal mining and reclamation permit must include the  
17 following:

18 (1) The names and addresses of the following:

19 (A) The permit applicant.

20 (B) Every legal owner of record of the property (surface and  
21 mineral) to be mined.

22 (C) The holders of record of any leasehold interest in the  
23 property.

24 (D) Any purchaser of record of the property under a real estate  
25 contract.

26 (E) The operator if the operator is a person different from the  
27 applicant.

28 (F) If a person in clauses (A) through (E) is a business entity  
29 other than a single proprietor, the names and addresses of the  
30 principals, officers, and resident agent.

31 (2) The names and addresses of the owners of record of all  
32 surface and subsurface areas adjacent to any part of the permit  
33 area.

34 (3) A statement of each current or previous surface coal mining  
35 permit in the United States held by the applicant, including each  
36 pending application, the permit identification, and the state that  
37 issued that permit or holds the pending application.

38 (4) If the applicant is a partnership, a corporation, an association,  
39 or other business entity, the following where applicable:

40 (A) The names and addresses of every officer, partner, or  
41 director or person performing a function similar to a director  
42 of the applicant.

43 (B) The name and address of each person owning, of record,  
44 at least ten percent (10%) of any class of voting stock of the  
45 applicant.

46 (C) A list of all names under which the applicant, partner, or  
47 principal shareholder previously operated a surface coal

- 1 mining operation within the United States within:
- 2 (i) the five (5) years preceding the date of submission of the
- 3 application; or
- 4 (ii) any additional period that the director establishes.
- 5 (5) A statement of whether the applicant or a subsidiary, an
- 6 affiliate, or a person controlled by or under common control with
- 7 the applicant has:
- 8 (A) ever held a federal or state coal mining permit that in:
- 9 (i) the five (5) years preceding the date of submission of the
- 10 application; or
- 11 (ii) any additional period that the director establishes;
- 12 was suspended or revoked or is in the process of revocation;
- 13 or
- 14 (B) had a mining bond or similar security deposited in lieu of
- 15 bond forfeited;
- 16 and if so, a brief explanation of the facts involved and
- 17 identification of the state in which this action occurred.
- 18 (6) A copy of the applicant's advertisement to be published under
- 19 IC 14-34-4-1. The advertisement must include the following:
- 20 (A) The names of the property owners involved.
- 21 (B) A description of the exact location and boundaries of the
- 22 proposed site sufficient so that the proposed surface coal
- 23 mining operation is readily locatable by local residents.
- 24 (C) The location where the application is available for public
- 25 inspection.
- 26 (7) A description of the following:
- 27 (A) The type and method of surface coal mining operation that
- 28 exists or is proposed.
- 29 (B) The engineering techniques proposed or used.
- 30 (C) The equipment used or proposed to be used.
- 31 (8) The anticipated or actual starting and termination dates of
- 32 each phase of the surface coal mining operation and the number
- 33 of acres of land to be affected.
- 34 (9) An accurate map or plan, to an appropriate scale, clearly
- 35 showing the following:
- 36 (A) The land to be affected as of the date of the application.
- 37 (B) The area of land within the permit area upon which the
- 38 applicant has the legal right to enter and commence surface
- 39 coal mining operations, including the following:
- 40 (i) A statement of those documents upon which the applicant
- 41 bases the applicant's legal right to enter and commence
- 42 surface coal mining operations on the area affected.
- 43 (ii) Whether that right is the subject of pending court
- 44 litigation.
- 45 (10) The name of the watershed and location of the surface stream
- 46 or tributary into which surface and pit drainage will be
- 47 discharged.

(11) A determination of the probable hydrologic consequences of surface coal mining and reclamation operations, both on and off the mine site, with respect to the following:

(A) The hydrologic regime.

(B) The quantity and quality of water in surface and ground water systems, including the dissolved and suspended solids under seasonal flow conditions.

(C) The collection of sufficient data for the mine site and surrounding areas so that an assessment can be made of the probable cumulative impacts of all anticipated mining in the area upon the hydrology of the area and particularly upon water availability.

However, this determination is not required until the time that hydrologic information on the general area before mining is made available from an appropriate federal or state agency. The permit may not be approved until the information is available and is incorporated into the application.

(12) When requested by the director, the climatological factors that are peculiar to the locality of the land to be affected, including the following:

(A) The average seasonal precipitation.

(B) The average direction and velocity of prevailing winds.

(C) The seasonal temperature ranges.

(13) Accurate maps to an appropriate scale clearly showing the land affected on the date of application and the same information that is set forth on topographical maps of the United States Geological Survey of a scale of 1:24,000 or 1:25,000 or larger, including all manmade features and archeological and historical sites known by the division of historic preservation and archeology **established under IC 4-34.1-2-2(2)**. The map or plan must show the following:

(A) All boundaries of the land to be affected.

(B) The boundary lines and names of present owners of record of all surface areas abutting the permit area.

(C) The location of all buildings within one thousand (1,000) feet of the permit area.

(14) Cross section maps or plans of the land to be affected, including the actual area to be mined, prepared by or under the direction of and certified by an engineer licensed under IC 25-31 or a geologist licensed under IC 25-17.6 with assistance from experts in related fields such as land surveying and landscape architecture. The maps or plans must show pertinent elevation and location of test borings or core samplings and depict the following:

(A) The nature and depth of the various strata of overburden as required by the commission in the commission's rules.

(B) The location and quality of subsurface water if

- 1 encountered.
- 2 (C) The nature and thickness of each coal or rider seam above
- 3 the coal seam to be mined.
- 4 (D) The nature of the stratum immediately beneath the coal
- 5 seam to be mined.
- 6 (E) All mineral crop lines and the strike and dip of the coal to
- 7 be mined within the area of land to be affected.
- 8 (F) Existing or previous surface coal mining limits.
- 9 (G) The location and extent of known workings of each
- 10 underground coal mine, including mine openings to the
- 11 surface.
- 12 (H) The location of aquifers as required by the commission in
- 13 the commission's rules.
- 14 (I) The estimated elevation of the water table.
- 15 (J) The location of spoil, waste, or refuse areas and topsoil
- 16 preservation areas.
- 17 (K) The location of all impoundments for waste or erosion
- 18 control.
- 19 (L) Each settling or water treatment facility.
- 20 (M) Constructed or natural drainageways and the location of
- 21 each discharge to a surface body of water on the area of land
- 22 to be affected or adjacent to the land to be affected.
- 23 (N) Profiles at appropriate cross sections of the anticipated
- 24 final surface configuration that will be achieved under the
- 25 operator's proposed reclamation plan.
- 26 (15) A statement of the result of test borings or core samplings
- 27 from the permit area, including the following:
- 28 (A) Logs of the drill holes.
- 29 (B) The thickness of the coal seam found and an analysis of
- 30 the chemical properties of that coal.
- 31 (C) The sulfur content of each coal seam.
- 32 (D) Chemical analysis of potentially acid or toxic forming
- 33 sections of the overburden.
- 34 (E) A chemical analysis down to and including the deeper of
- 35 the following:
- 36 (i) The stratum lying immediately underneath the lowest
- 37 coal seam to be mined.
- 38 (ii) An aquifer below the lowest coal seam to be mined that
- 39 may be adversely impacted by mining.
- 40 The director may waive the requirement as to the specific
- 41 application of this clause if the director determines in writing
- 42 the requirements are unnecessary.
- 43 (16) For the land in the permit application that a reconnaissance
- 44 inspection suggests may be prime farmland and to confirm the
- 45 exact location of the prime farmland, a soil survey in accordance
- 46 with the standards established by the United States Secretary of
- 47 Agriculture.

(17) A reclamation plan that meets the requirements of section 12 of this chapter.

(18) Proof that the applicant is self-insured or has a public liability insurance policy issued by an insurance company authorized to do business in Indiana in force for the surface coal mining and reclamation operations for which the permit is sought. The policy must provide for personal injury and property damage protection in an amount adequate to compensate each person injured as a result of the surface coal mining and reclamation operation. If a permit is granted, the permittee shall maintain the policy in full force and effect for the duration of the permit or a renewal.

(19) A blasting plan that outlines the procedures the operator will use to comply with IC 14-34-12.

(20) A listing of all notices of violations, and their final resolution, of:

(A) IC 13-4.1 (before its repeal);

(B) this article; and

(C) a:

(i) federal statute or regulation; or

(ii) state statute or rule enacted or adopted in response to a federal statute or regulation;

pertaining to air or water environmental protection;

incurred by the applicant or a subsidiary, an affiliate, or a person controlled by or under common control with the applicant in connection with any surface coal mining operation during the three (3) year period before the date of application.

SECTION 113. IC 14-34-4-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. (a) The director may not approve a permit application unless, in addition to the findings required by section 7 of this chapter, the director states in writing that the director has considered the effects of the proposed mining operation on a place listed on or eligible for listing on the National Register of Historic Places or the Indiana state register of historic sites and structures.

(b) If the director considers it appropriate in accordance with rules adopted by the commission under this section, the director may impose conditions on a permit for the protection of properties or sites listed on or eligible for listing on the National Register of Historic Places or the Indiana state register of historic sites and structures requiring that:

(1) mining operations not occur in the areas occupied by the properties or sites; or

(2) measures be implemented to mitigate the effects of the operation upon those properties or sites before mining.

(c) The commission shall adopt rules under IC 4-22-2 to implement this section consistent with the following general principles:

(1) The commission's rules may not prohibit the use of



1 information from any source and shall recognize the  
 2 responsibilities of the state historic preservation officer under  
 3 IC 14-21-1-12 and IC 14-21-1-15.

4 (2) The commission's rules must provide for participation by  
 5 professional and amateur archeologists, anthropologists,  
 6 historians, or related experts in any:

7 (A) field investigations;

8 (B) studies; or

9 (C) records searches;

10 required by the director under this section.

11 (3) The commission's rules must strive to ensure that field  
 12 investigations and studies are required only where a substantial  
 13 likelihood exists that important and significant archeological or  
 14 historic sites are present.

15 (4) In considering the effect of proposed surface coal mining and  
 16 reclamation operations on a property or site eligible for listing on  
 17 the National Register of Historic Places, the director shall  
 18 consider the following:

19 (A) Based on information available **under IC 14-21-1** from  
 20 the division of historic preservation and archeology **of the**  
 21 **department of Indiana heritage and cultural resources**, the  
 22 relative importance of the property or site compared to other  
 23 properties or sites in Indiana listed on or eligible for listing on  
 24 the National Register of Historic Places.

25 (B) The cost of an investigation of the permit area or site as  
 26 estimated by the applicant. A decision that an investigation is  
 27 not required may not be based on cost alone.

28 (5) This section does not authorize rules that impair the ownership  
 29 of artifacts or other material found on private land.

30 (d) The director may do the following:

31 (1) Investigate the possibility of obtaining available federal or  
 32 private:

33 (A) grants;

34 (B) subsidies; or

35 (C) aid;

36 to defer the cost to private individuals of measures required by the  
 37 director under this section.

38 (2) Apply for any:

39 (A) grants;

40 (B) aid; or

41 (C) subsidies;

42 that the director determines are available.

43 (e) In making the finding required by this section, the director shall  
 44 take into account the general principles set forth in subsection (c).

45 SECTION 114. IC 23-14-57-1, AS AMENDED BY P.L.113-2007,  
 46 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 47 JULY 1, 2009]: Sec. 1. (a) As used in this section, "removal" or

"removed" refers to the disinterment, disentombment, or disinurnment of the remains of a deceased human.

(b) Except as provided in subsection (e) and sections 4 and 5 of this chapter, the remains, either cremated or uncremated, of a deceased human shall not be removed from a cemetery without:

(1) a written order:

(A) that is issued by the state department of health; and

(B) that authorizes the removal of the deceased's remains;

(2) the written consent of:

(A) the owner of the cemetery; or

(B) the owner's representative; and

(3) the written consent of a person or persons referred to in one

(1) of the following clauses, which are listed according to priority:

(A) The individual who was the spouse of the deceased at the time of the deceased's death.

(B) The surviving adult child of the deceased. If there is more than one (1) surviving adult child of the deceased, the requirement for written consent under this subdivision is satisfied if:

(i) any one (1) of the surviving adult children provides written consent to the removal of the deceased's remains;

(ii) the consent provided under item (i) confirms that all other surviving adult children of the deceased have been notified of the proposed removal of the deceased's remains; and

(iii) the state department of health does not receive a written objection to the proposed removal from any of the deceased's surviving adult children.

(C) The surviving parent of the deceased. If the deceased is survived by both parents, the requirement for written consent under this subdivision is satisfied if:

(i) either surviving parent provides written consent to the removal of the deceased's remains; and

(ii) the state department of health does not receive a written objection to the proposed removal from the other surviving parent.

(D) The individual in the next degree of kinship to the deceased under IC 29-1-2-1. If more than one (1) individual of the same degree of kinship is surviving, the requirement for written consent under this subdivision is satisfied if:

(i) any individual of that degree of kinship provides written consent to the removal of the deceased's remains; and

(ii) the state department of health does not receive a written objection to the proposed removal from any other surviving individual in the same degree of kinship.

(c) Before issuing a written authorization under subsection (b), the state department of health shall do the following:

(1) Obtain written evidence that a licensed funeral director has agreed to:

(A) be present at the removal and at the reinterment, reentombment, or reinurnment of the remains; and

(B) cause the completed order of the state department of health to be recorded in the office of the county recorder of the county where the removal occurs.

(2) Obtain a copy of:

(A) the written consent required under subsection (b)(3); or

(B) a court order obtained by a person under subsection (d).

(d) If the written consent of an individual authorized under subsection (b)(3) to give consent is not available, a person who has made a request under this section to the state department of health may petition a court to determine whether to waive the consent requirement of subsection (b)(3). In determining whether to waive the requirement, the court shall consider the viewpoint of any issue (as defined in IC 29-1-1-3) of the deceased. In a proceeding under this subsection, the court may not order the disinterment, disentombment, or disinurnment of the remains of a deceased human.

(e) This subsection applies only if the human remains are on property owned or leased by a coal company. The remains, either cremated or uncremated, of a deceased human may be removed from a cemetery by a coal company if the coal company obtains a court order authorizing the disinterment, disentombment, or disinurnment. Before issuing a court order under this subsection, a court must conduct a hearing and be satisfied as to the following:

(1) That the property is owned or leased by the coal company.

(2) That the coal company has obtained the written consent of an individual authorized to give consent under subsection (b)(3). If the consent of an individual authorized to give consent under subsection (b)(3) is not available, the court may waive the requirement after considering the viewpoint of any issue (as defined in IC 29-1-1-3) of the deceased.

(3) That the department of ~~natural~~ **Indiana heritage and cultural** resources, division of historic preservation and archeology (**IC 14-21-1**), has received at least five (5) days written notice of the time, date, and place of any hearing under this subsection. The notice must describe the proposed place from which the remains will be removed.

(4) That a licensed funeral director has agreed to:

(A) be present at the removal and at the reinterment, reentombment, or reinurnment of the remains; and

(B) cause the completed order of the state department of health to be recorded in the office of the county recorder of the county where the removal occurs.

(5) That the coal company has caused a notice of the proposed removal to be published at least five (5) days before the hearing

1 in a newspaper of general circulation in the county where the  
2 removal will occur.

3 (6) That the coal company will notify the department of ~~natural~~  
4 **Indiana heritage and cultural** resources, division of historic  
5 preservation and archeology (**IC 14-21-1**), after the hearing of the  
6 proposed time and date when the remains will be removed.

7 (f) A:

8 (1) licensed funeral director; or

9 (2) cemetery owner;

10 is not liable in an action brought by any person because of the removal  
11 of a deceased's remains under a written consent described in subsection  
12 (b)(3) or (e)(2) unless the licensed funeral director or the cemetery  
13 owner had actual notice before or at the time of the removal that a  
14 representation made in the consent described in subsection (b)(3) or  
15 (e)(2) was untrue.

16 (g) The state department of health may adopt rules under IC 4-22-2  
17 to implement this section.

18 SECTION 115. IC 23-14-57-4, AS AMENDED BY P.L.26-2008,  
19 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
20 JULY 1, 2009]: Sec. 4. This chapter does not apply to the following:

21 (1) The disinterment, disentombment, or disurnment of remains  
22 upon the written order of the coroner of the county in which the  
23 cemetery is situated.

24 (2) The removal of human remains under a plan approved by the  
25 division of historic preservation and archeology **of the**  
26 **department of Indiana heritage and cultural resources** under  
27 IC 14-21-1.

28 SECTION 116. IC 23-14-67-3.5 IS AMENDED TO READ AS  
29 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3.5. (a) Before March  
30 1 of each year, a county cemetery commission shall file an annual  
31 report with the Indiana historical bureau established by ~~IC 4-23-7-3.~~  
32 **IC 4-34.1-2-2(4).**

33 (b) An annual report filed under this section must include  
34 information on the following:

35 (1) The budget of the county cemetery commission for the  
36 preceding calendar year.

37 (2) Expenditures made by the county cemetery commission  
38 during the preceding calendar year.

39 (3) Activities of the county cemetery commission during the  
40 preceding calendar year.

41 (4) Plans of the county cemetery commission for the calendar year  
42 during which the report is filed.

43 (c) The Indiana historical bureau shall make reports filed under this  
44 section available for public inspection under IC 5-14-3.

45 SECTION 117. IC 27-1-20-21 IS AMENDED TO READ AS  
46 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 21. Every company  
47 doing business in this state shall file with the department on or before

March 1 in each year a financial statement for the year ending December 31 immediately preceding in a format in accordance with IC 27-1-3-13. For good and sufficient cause shown, the commissioner may grant to any individual company a reasonable extension of time not to exceed ninety (90) days within which such statement may be filed. Such statement shall be verified by the oaths of the president or a vice president and the secretary or an assistant secretary of the company. The statement of an alien company shall segregate and state separately its condition and transaction in the United States and such segregated and separated statement shall be verified by the oath of its resident manager or principal representative in the United States. The commissioner of insurance may, with the approval of the commission on public records **established within the department of Indiana heritage and cultural resources by IC 4-34.1-2-2(5)**, authorize the destruction of such annual statements which have been on file for two (2) years or more and microfilm copies of which have been made and filed.

SECTION 118. IC 34-41-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) The:

(1) register of the sales of the Michigan road lands located in the Indiana state archives **maintained by the** commission on public records **established within the department of Indiana heritage and cultural resources by IC 4-34.1-2-2(5)**; and

(2) certified copies of any entry in the register under the seal of Indiana;

are admissible in evidence in all courts and places.

(b) The register, or a certified copy of the entry of the sale of a tract of land described in the register, by any person named in the register as the purchaser of the land, is prima facie evidence that:

(1) the person designated in the register was the purchaser of the land; and

(2) the title to the land has been conveyed by the state to the purchaser in fee simple.

SECTION 119. IC 36-1-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) Except as provided in subsection (b) and regardless of the requirements of section 4 of this chapter, if an agreement under section 3 of this chapter concerns the provision of services or facilities that a state officer or state agency has power to control, the agreement must be submitted to that officer or agency for approval before it takes effect.

(b) If a reciprocal borrowing agreement under section 3 of this chapter concerns the provision of library services or facilities between public libraries that are of the same nature as the services provided under the statewide library card program under IC 4-23-7.1-5.1, the reciprocal borrowing agreement is not required to be submitted to the Indiana ~~state library and historical board~~ **state library and historical board** for approval before the reciprocal borrowing agreement takes effect, but a copy of the

reciprocal borrowing agreement shall be submitted to the **Indiana** state library.

(c) Approval or disapproval is governed by the same provisions prescribed by section 4(b) of this chapter for the attorney general.

SECTION 120. IC 36-1-11-1, AS AMENDED BY P.L.2-2006, SECTION 188, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) Except as provided in subsection (b), this chapter applies to the disposal of property by:

(1) political subdivisions; and

(2) their agencies.

(b) This chapter does not apply to the following:

(1) The disposal of property under an urban homesteading program under IC 36-7-17.

(2) The lease of school buildings under IC 20-47.

(3) The sale of land to a lessor in a lease-purchase contract under IC 36-1-10.

(4) The disposal of property by a redevelopment commission established under IC 36-7.

(5) The leasing of property by a board of aviation commissioners established under IC 8-22-2 or an airport authority established under IC 8-22-3.

(6) The disposal of a municipally owned utility under IC 8-1.5.

(7) The sale or lease of property by a unit to an Indiana nonprofit corporation organized for educational, literary, scientific, religious, or charitable purposes that is exempt from federal income taxation under Section 501 of the Internal Revenue Code or the sale or reletting of that property by the nonprofit corporation.

(8) The disposal of surplus property by a hospital established and operated under IC 16-22-1 through IC 16-22-5, IC 16-22-8, IC 16-23-1, or IC 16-24-1.

(9) The sale or lease of property acquired under IC 36-7-13 for industrial development.

(10) The sale, lease, or disposal of property by a local hospital authority under IC 5-1-4.

(11) The sale or other disposition of property by a county or municipality to finance housing under IC 5-20-2.

(12) The disposition of property by a soil and water conservation district under IC 14-32.

(13) The disposal of surplus property by the health and hospital corporation established and operated under IC 16-22-8.

(14) The disposal of personal property by a library board under IC 36-12-3-5(c).

(15) The sale or disposal of property by the historic preservation commission under IC 36-7-11.1.

(16) The disposal of an interest in property by a housing authority under IC 36-7-18.

(17) The disposal of property under IC 36-9-37-26.

(18) The disposal of property used for park purposes under IC 36-10-7-8.

(19) The disposal of textbooks that will no longer be used by school corporations under IC 20-26-12.

(20) The disposal of residential structures or improvements by a municipal corporation without consideration to:

(A) a governmental entity; or

(B) a nonprofit corporation that is organized to expand the supply or sustain the existing supply of good quality, affordable housing for residents of Indiana having low or moderate incomes.

(21) The disposal of historic property without consideration to a nonprofit corporation whose charter or articles of incorporation allows the corporation to take action for the preservation of historic property. As used in this subdivision, "historic property" means property that is:

(A) listed on the National Register of Historic Places; or

(B) eligible for listing on the National Register of Historic Places, as determined by the division of historic preservation and archeology of the department of ~~natural~~ **Indiana heritage and cultural** resources (**IC 4-34.1-2**).

(22) The disposal of real property without consideration to:

(A) a governmental agency; or

(B) a nonprofit corporation that exists for the primary purpose of enhancing the environment;

when the property is to be used for compliance with a permit or an order issued by a federal or state regulatory agency to mitigate an adverse environmental impact.

(23) The disposal of property to a person under an agreement between the person and a political subdivision or an agency of a political subdivision under IC 5-23.

(24) The disposal of residential real property pursuant to a federal aviation regulation (14 CFR 150) Airport Noise Compatibility Planning Program as approved by the Federal Aviation Administration.

SECTION 121. IC 36-7-11.2-11, AS AMENDED BY P.L.219-2007, SECTION 121, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. As used in this chapter, "notice" means written notice:

(1) served personally upon the person, official, or office entitled to the notice; or

(2) served upon the person, official, or office by placing the notice in the United States mail, first class postage prepaid, properly addressed to the person, official, or office. Notice is considered served if mailed in the manner prescribed by this subdivision properly addressed to the following:

- 1 (A) The governor, both to the address of the governor's official  
 2 residence and to the governor's executive office in  
 3 Indianapolis.  
 4 (B) The Indiana department of transportation, to the  
 5 commissioner.  
 6 (C) The department of ~~natural~~ **Indiana heritage and cultural**  
 7 resources (**IC 4-34.1-2**), both to the ~~director~~ **commissioner** of  
 8 the department and to the director of the department's division  
 9 of historic preservation and archeology.  
 10 (D) The department of metropolitan development.  
 11 (E) An occupant, to:  
 12 (i) the person by name; or  
 13 (ii) if the name is unknown, the "Occupant" at the address of  
 14 the Meridian Street or bordering property occupied by the  
 15 person.  
 16 (F) An owner, to the person by the name shown to be the name  
 17 of the owner, and at the person's address, as the address  
 18 appears in the records in the bound volumes of the most recent  
 19 real estate tax assessment records as the records appear in:  
 20 (i) the offices of the township assessors; or  
 21 (ii) the office of the county assessor;  
 22 in Marion County.  
 23 (G) A neighborhood association or the society, to the  
 24 organization at the latest address as shown in the records of the  
 25 commission.
- 26 SECTION 122. IC 36-7-11.3-6, AS AMENDED BY P.L.146-2008,  
 27 SECTION 720, IS AMENDED TO READ AS FOLLOWS  
 28 [EFFECTIVE JULY 1, 2009]: Sec. 6. As used in this chapter, "notice"  
 29 means written notice:  
 30 (1) served personally upon the person, official, or office entitled  
 31 to the notice; or  
 32 (2) served upon the person, official, or office by placing the notice  
 33 in the United States mail, first class postage prepaid, properly  
 34 addressed to the person, official, or office. Notice is considered  
 35 served if mailed in the manner prescribed by this subdivision  
 36 properly addressed to the following:  
 37 (A) The governor, both to the address of the governor's official  
 38 residence and to the governor's executive office in  
 39 Indianapolis.  
 40 (B) The Indiana department of transportation, to the  
 41 commissioner.  
 42 (C) The department of ~~natural~~ **Indiana heritage and cultural**  
 43 resources (**IC 4-34.1-2**), both to the ~~director~~ **commissioner** of  
 44 the department and to the director of the department's division  
 45 of historic preservation and archeology.  
 46 (D) The municipal plan commission.  
 47 (E) An occupant, to:



- 1 (i) the person by name; or
- 2 (ii) if the name is unknown, the "Occupant" at the address of
- 3 the primary or secondary property occupied by the person.
- 4 (F) An owner, to the person by the name shown to be the name
- 5 of the owner, and at the person's address, as appears in the
- 6 records in the bound volumes of the most recent real estate tax
- 7 assessment records as the records appear in:
- 8 (i) the offices of the township assessors (if any); or
- 9 (ii) the office of the county assessor.
- 10 (G) The society, to the organization at the latest address as
- 11 shown in the records of the commission.
- 12 SECTION 123. IC 36-12-1-2, AS ADDED BY P.L.1-2005,
- 13 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 14 JULY 1, 2009]: Sec. 2. "Indiana **state** library" ~~and historical board~~"
- 15 refers to the Indiana **state** library ~~and historical board~~ established by
- 16 ~~IC 4-23-7-2. IC 4-34.1-2-2(6).~~
- 17 SECTION 124. IC 36-12-3-16, AS AMENDED BY P.L.130-2007,
- 18 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 19 JULY 1, 2009]: Sec. 16. (a) The library board may adopt a resolution
- 20 allowing money to be disbursed under this section for lawful library
- 21 purposes, including advertising and promoting the programs and
- 22 services of the library.
- 23 (b) With the prior written approval of the library board and if the
- 24 library board has adopted a resolution under subsection (a), claim
- 25 payments may be made in advance of library board allowance for any
- 26 of the following types of expenses:
- 27 (1) Property or services purchased or leased from the federal
- 28 government or the federal government's agencies and the state,
- 29 the state's agencies, or the state's political subdivisions.
- 30 (2) Dues, subscriptions, and publications.
- 31 (3) License or permit fees.
- 32 (4) Insurance premiums.
- 33 (5) Utility payments or connection charges.
- 34 (6) Federal grant programs where:
- 35 (A) advance funding is not prohibited; and
- 36 (B) the contracting party posts sufficient security to cover the
- 37 amount advanced.
- 38 (7) Grants of state funds authorized by statute.
- 39 (8) Maintenance and service agreements.
- 40 (9) Legal retainer fees.
- 41 (10) Conference fees.
- 42 (11) Expenses related to the educational or professional
- 43 development of an individual employed by the library board,
- 44 including:
- 45 (A) inservice training;
- 46 (B) attending seminars or other special courses of instruction;
- 47 and

- 1 (C) tuition reimbursement;
- 2 if the library board determines that the expenditures under this
- 3 subdivision directly benefit the library.
- 4 (12) Leases or rental agreements.
- 5 (13) Bond or coupon payments.
- 6 (14) Payroll costs.
- 7 (15) State, federal, or county taxes.
- 8 (16) Expenses that must be paid because of emergency
- 9 circumstances.
- 10 (17) Expenses incurred to advertise and promote the programs
- 11 and services of the library.
- 12 (18) Other expenses described in a library board resolution.

13 Each payment of expenses lawfully incurred for library purposes must  
 14 be supported by a fully itemized invoice or other documentation. The  
 15 library director must certify to the library board before payment that  
 16 each claim for payment is true and correct. The certification must be on  
 17 a form prescribed by the state board of accounts. The library board  
 18 shall review and allow the claim at the library board's first regular or  
 19 special meeting following the payment of a claim under this section.

20 (c) Purchases of books, magazines, pamphlets, films, filmstrips,  
 21 microforms, microfilms, slides, transparencies, phonodiscs,  
 22 phonotapes, models, art reproductions, and all other forms of library  
 23 and audiovisual materials are exempt from the restrictions imposed by  
 24 IC 5-22.

25 (d) The purchase of library automation systems must meet the  
 26 standards established by the Indiana **state library and historical board**  
 27 under IC 4-23-7.1-11(b).

28 SECTION 125. IC 36-12-11-2, AS ADDED BY P.L.1-2005,  
 29 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2009]: Sec. 2. As used in this chapter, "board" refers to the  
 31 ~~Indiana~~ library and historical **advisory** board established by  
 32 ~~IC 4-23-7-2.~~ **IC 4-23-7-1.**

33 SECTION 126. IC 36-12-11-3, AS ADDED BY P.L.1-2005,  
 34 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2009]: Sec. 3. As used in this chapter, "director" refers to the  
 36 director of the Indiana state library appointed under ~~IC 4-23-7.1-37.~~  
 37 **IC 4-34.1-2-6.**

38 SECTION 127. IC 36-12-11-5, AS ADDED BY P.L.1-2005,  
 39 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JULY 1, 2009]: Sec. 5. **(a)** The board shall do the following:

- 41 (1) Prescribe and define grades of public library service and
- 42 prescribe the qualifications that individuals must possess who are
- 43 employed in each of the grades of public library service, giving
- 44 due consideration to the population served and the income and
- 45 salary schedule of each library.
- 46 ~~(2) Make available the requirements for certification of all grades~~
- 47 ~~upon request and without charge to all prospective applicants.~~

~~(3) Issue certificates to candidates who apply for certificates and who, by reason of their academic or technical training and experience, are found to be suitable individuals to certify.~~

~~(4) (2) Prescribe and define the qualifications of a library director, a head of a department or branch, or a professional assistant of a public library.~~

~~(5) (3) Adopt rules under IC 4-22-2 that the board determines are necessary to administer this chapter.~~

**(b) The director shall do the following:**

**(1) Make available the requirements for certification of all grades upon request and without charge to all prospective applicants.**

**(2) Issue certificates to candidates who apply for certificates and who, by reason of their academic or technical training and experience, are found to be suitable individuals to certify.**

SECTION 128. IC 36-12-11-7, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) An individual who:

(1) desires to be certified as a librarian in a designated division, grade, or type of public library service; and

(2) possesses the qualifications prescribed in the rules of the board as essential to enable an individual to apply for a certificate;

may apply to the ~~board~~ **director** for a certificate in any grade or grades of public library service.

**(b) The application must be:**

(1) made on a form prescribed and supplied by the ~~board~~; **director**; and

(2) accompanied by the fee set by the board under section 11 of this chapter.

(c) If the application is found to be satisfactory, the applicant is entitled to a certificate in the grade or grades of public library service for which the applicant applied.

SECTION 129. IC 36-12-11-11, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. (a) The board shall adopt rules under IC 4-22-2 to set fees to be paid by an individual who applies for certification under section 7 of this chapter. If the board has not set a fee by rule for a particular type of application, the fee is one dollar (\$1).

(b) Payment of fees set under this section may be made by any of the following:

(1) Cash.

(2) A draft.

(3) A money order.

(4) A cashier's check.

(5) A certified check.

(6) A personal check.

1 If an individual pays a fee with an uncertified personal check and the  
 2 check does not clear the bank, the ~~board~~ **director** may void the  
 3 certificate for which the check was received.

4 (c) Unless specified by the rules of the board, a fee is not refundable  
 5 or transferable.

6 (d) Fees shall be paid to the library certification account established  
 7 under section 10 of this chapter."

8 Page 9, delete lines 40 through 42.

9 Page 10, line 1, delete "(3)" and insert "**(1)**".

10 Page 10, line 3, delete "(4)" and insert "**(2)**".

11 Page 10, line 5, delete "(5)" and insert "**(3)**".

12 Page 10, line 6, delete "(6)" and insert "**(4)**".

13 Page 10, line 7, delete "(7) The Indiana war memorials  
 14 commission." and insert "**(5) The Wabash River heritage corridor**  
 15 **commission.**".

16 Page 10, line 8, delete "(8)" and insert "**(6)**".

17 Page 10, line 9, delete "(9)" and insert "**(7)**".

18 Page 10, line 11, delete "(10)" and insert "**(8)**".

19 Page 10, delete lines 13 through 20.

20 Page 10, line 21, delete "(g)" and insert "**(d)**".

21 Page 10, line 23, delete "(h) The" and insert "**(e) After June 30,**  
 22 **2009, the**".

23 Page 10, line 24, after "agency" insert "**that were employed by a**  
 24 **heritage and cultural agency on June 30, 2009,**".

25 Page 10, line 25, delete "(i) The following" and insert "**(f)**  
 26 **Beginning July 1, 2009, the directors of the heritage and cultural**  
 27 **agencies**".

28 Page 10, line 27, delete "department:" and insert "**department.**".

29 Page 10, delete lines 28 through 35.

30 Page 10, line 36, delete "(j)" and insert "**(g)**".

31 Page 10, line 37, after "planning" insert "**and the state personnel**  
 32 **department**".

33 Page 10, line 39, delete "The state personnel department".

34 Page 10, delete line 40 through 42.

35 Page 11, delete line 1.

36 Page 11, line 2, delete "(k)" and insert "**(h)**".

37 Page 11, line 10, delete "(l)" and insert "**(i)**".

38 Renumber all SECTIONS consecutively.

(Reference is to SB 524 as printed February 17, 2009.)

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Senator MERRITT